

# THE SITUATION OF WOMEN IN SEVENTEENTH CENTURY FIFE, AS ILLUSTRATED BY THE RECORDS OF THE CHURCH COURTS

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A Dissertation submitted by

MARGARET M. BELOF

to the University of St Andrews

for the degree of M.Phil (Mode A)

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## ABSTRACT

Women, particularly those from the lower ranks in society, have received little attention from historians. In part this is due to the limited nature of the available sources. The present thesis is largely based on evidence taken from the records of the post-Reformation church courts, particularly kirk sessions and presbyteries. These offer the best source for a study of low-life social conditions in the early-modern period and often the only source as far as low-ranking women are concerned. Furthermore, unlike the clientele of civil and criminal courts, almost as many women as men appeared before the church courts. Court records naturally emphasise deviancy but, by extension they can indicate what was considered normal and desirable behaviour. In order to put deviancy into perspective, reference is made to certain other sources, particularly diaries, even although these were written by a higher-ranking section of society than the miscreants who were hauled up before the kirk session.

Sexual offences, particularly fornication and adultery, formed the staple business of the church courts. As with other offences, these have been examined both on a quantitative and a qualitative basis to show change and stability in the pattern of offences and to give some indication, however fragmentary, of the expectations and reality of love, courtship and marriage for the lower ranks.

Witchcraft was the most sensational and serious offence prosecuted although it was not as common as has often been supposed. Its importance lies in the fact that the witch embodied a negative image of womankind, a symbol of all that was feared and reviled in women in the seventeenth century.

The final chapter deals with a miscellany of offences against religion and good order - Sabbath-breaking, drinking, conventicling and recusancy, assault, riot, infanticide, slander, flyting and scolding. Women were heavily involved in some, but not all of these offences.

Although women suffered discrimination in civil and political rights, church court records suggest that among lower-ranking men and women there was a greater degree of equality in practice than was allowed in theory.

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## PREFACE

The present study of seventeenth-century women is based on evidence from Fife, taken principally from the records of the church courts with some reference to burgh courts and other local documents. However, there are certain sections, notably those on a woman's world, rioting and certain other legal areas for which there is very little evidence specifically on Fife, either in the manuscripts consulted or in secondary works. Since time did not permit an exhaustive study of all possible manuscript sources for Fife, in these cases occasional use has been made of published works and diaries pertaining to other parts of Scotland to make general comments about women's position. Money is always expressed in £ Scots, which stabilised in 1603 to half of a £ sterling.

I should like to thank my supervisors, Professor T.C. Smout and Dr. R.A. Houston for their careful and encouraging supervision. Thanks also to Dr. R. Smart, Keeper of St Andrews University Muniments who most patiently and helpfully initiated me into the deciphering of seventeenth century handwriting. Thanks too to John Di Folco who lent me his transcripts of kirk session minutes from Ceres, Auchtermuchty and Dunbog and therein saved me much laborious effort. Finally I should like to thank the staff at the

Scottish Record Office and General Register House,  
Edinburgh for their friendly efficiency.

## LIST OF ABBREVIATIONS

APS	Acts of the Parliament of Scotland
GRO	General Register House
JIH	Journal of Interdisciplinary History
K.S.	Kirk Session
P & P	Past and Present
RPC	Register of the Privy Council of Scotland
RSCHS	Records of the Scottish Church History Society
SHR	Scottish History Review
SHS	Scottish History Society
SRO	Scottish Record Office
Trans D & G Nat Hist Soc	Transactions of the Dumfriesshire and Galloway Natural History Society

## INTRODUCTION

### The Social Setting

One sixteenth century Scotswoman, Mary, Queen of Scots, has been the subject of more biographies than any other figure in Scottish history. By contrast the lives of her poorer and less glamorous female subjects has long remained an almost entirely unresearched area. Only now is that omission beginning to be rectified [1]. A complete reconstruction of the mental and material world of the female population is virtually impossible; the sources simply do not exist. What is feasible is a limited study of the extremes of society, the elite who left personal written records in the form of letters, diaries and autobiographies, and the deviant who came into conflict with the social order and left a testimony of their existence in the records of the multifarious courts.

The aim of the present thesis is to examine at a local level some of the topics mentioned in the church courts, notably the issues of witchcraft and charming, sexual relations, love and marriage and the problem of women and authority; only general mention will be made of other more material aspects of women's lives. By implication this will be a study of deviancy with its inherent dangers in basing assumptions about society on

the evidence of a minority who deviate from the norm, whatever that is conceived to be. Yet a study of deviant behaviour should, a priori, indicate what was regarded as normal and desirable. Furthermore a greater proportion of the population appeared before a court in the early modern period than would be the case today. Between 1644 and 1675 approximately half a percent of the adult population of Ceres appeared annually before the kirk session, while in St Andrews 1573-1600 the figure was higher still at one and a half percent [2]. One gender cannot be regarded as an entity in itself however, but must be continually compared and contrasted with the other in order to achieve a more balanced picture of how women fitted into the social infrastructure.

The present study covers a time-span of 150 years from 1560 to c.1707. The Protestant Reformation in 1560 provides a natural starting point as it led, eventually, to the establishment of the system of church courts from which much of the evidence is derived. 1707, the year of the Union of the Parliaments, roughly coincides with the end of criminal prosecutions for witchcraft in Fife. Scotland in 1560 was essentially a pre-capitalist, politically unstable, late medieval state. By 1707 Lowland Scotland was rather more prosperous and well-ordered. The lawlessness of the bloodfeud had succumbed to the



powerful legal establishment, bonds of kinship, partially at least, to those of patronage, towns and trade were expanding again after the devastation of the Civil War in the 1640s. Nevertheless there had been no revolutionary changes in Scotland's economic and social geography. Internal communications were bad, rents and wages were still often paid in kind and there was an accentuation of the existing divisions between those who owned the land and those who worked it. The Reformation had brought a new awareness of religion to the peasantry; some were genuinely touched by its message, all were affected by its ineluctable system for controlling education, poor relief and morals. An age influenced by the doctrines of rationalism rather than religious sectarianism was dawning.

Sixteenth century Fife was one of the most advanced and prosperous parts of the kingdom [3]. English travellers were not generally impressed by what they saw north of the border but Fynes Moryson, who rode through Fife in 1598 spoke of it as

'a pleasant little territory of open fields [yielding] corn and pasture and sea-coals, as the seas no less plentifully yield (among other fish) store of oysters and shell-fishes, and this country is populous and full of noblemen's and gentlemen's dwellings, commonly compassed with little groves' [4].

For administrative purposes the land was divided into baronies which contained several farmtouns of around four to eight joint tenants and a few cottars, or

larger single tenant farms with hired labour. The latter arrangement predominated in Fife. In the baronies of Baglillie, Raith and Cordon for instance only three out of twenty-three farmtouns were in the hands of more than one tenant [5]. The system of feuing, whereby the tenant, in return for a substantial down-payment, obtained hereditary rights to the land at a fixed rental characterised the pattern of landholding in Fife. Although it provided security of tenure for the feuar, its introduction created a certain amount of social dislocation. This, together with the inflation and population growth of the sixteenth century led to a rise in the number of dispossessed vagrants. Thus Thomas Tucker, a commissioner sent to Scotland in 1655 to settle the Excise and Customs, remarked that Fife had fallen somewhat from its ancient prosperity and the presence of many gentry with their country seats, had 'driven out all but their tenants and peasants even to the shore side' [6].

Agricultural techniques remained primitive and investment generally meant acquiring more land. Returns on crops were very low (three to one for oats and four or five to one for bear) so that more people were involved in sufficiency or subsistence farming than was later to be the case. When the weather failed subsistence was likely to turn to famine. Fife was comparatively fertile however, and escaped the worst

effects of the lean years.

Historically, Fife, and particularly the burghs of Dunfermline and St Andrews, had been a focus for political and religious events, but increasing centralisation on Edinburgh led to an inevitable decline in its pre-eminence. Nevertheless the area was close enough to Edinburgh to benefit from a reasonably effective system of civil, criminal and ecclesiastical courts. A comparatively fertile hinterland, rich deposits of coal leading to mining activity and associated salt-panning, rich fishing and a good geographical position had led to the establishment of an unusually large number of burghs. These were divided into royal burghs which had extensive judicial and trading rights including the monopoly on foreign trade and separate constitutional representation in Parliament, and burghs of barony, which had the right to control local trade and markets but could not, until 1672, trade abroad. The sixteenth and early-seventeenth centuries witnessed the heyday of the East Neuk ports as much of Scotland's trade was conducted out of them to Scandinavia, Holland, France, Spain, England and the Baltic countries. St Andrews, judging by its quota of taxation, was the fifth richest burgh in Scotland in the mid-sixteenth century and its university was one of the intellectual centres of the Reformation. By the second half of the seventeenth

century the Fife coastal burghs were in decline. They never really recovered from the devastation and disruption caused by the civil wars in the 1640s or accommodated to the development of new Atlantic markets and trade routes. In 1705 the royal burghs of south-east Fife contributed only 2.85% of the tax roll, a third of what they had paid in 1612 although the extent of the destitution may have been exaggerated as the area was undergoing a general recovery by the early eighteenth century and some previously unfree burghs such as Wemyss were flourishing at the expense of the old royal burghs [7].

#### A Woman's World

The period 1560-1700 witnessed few changes in the basic assumptions about women's position, despite the intellectual ferment caused by the Renaissance and Reformation. Wider discussion of women's role in society served to highlight their inferiority and subjection, but with the intention of justifying rather than ameliorating it. A few writers argued that women had equal virtue and intelligence but they were very much the exception [8]. Most argued that women were innately different from men, having been created mentally, morally and physically inferior, thus justifying their subjection and exclusion from public life.

A woman was both a member of a particular gender and a particular class. She was distinguished from man in her access to education and employment, her rights in law and her unique experience of child-bearing and motherhood. Not all women had exactly the same experiences however and rank was often just as vital a distinguishing feature as gender. As the source material used in this thesis concerns low-ranking women the following section will deal primarily with the circumstances facing women at that end of the social scale. Unfortunately they did not commit their thoughts to paper nor were they noteworthy enough to merit contemporary biographies so we know little about the emotive and qualitative aspects of their lives.

Evidence on family structure only exists for the literate classes, but as in contemporary England it would seem that relationships were close-knit if patriarchal [9]. Landowners and peasants may have been anxious for male heirs but emotional ties were often just as strong between fathers and daughters as between fathers and sons. John Clerk of Penicuik commented on his eldest daughter, Ann, that 'tho' I loved all my children very much, yet I was particularly fond on this girle' [10]. Certainly there were individual misogynists like the minister of Kirkcaldy, Mr James Symson, who took a literal interpretation of Leviticus Twelve, arguing that the period of uncleanness after

the birth of a child should be twice as long for a girl; but his views were condemned as unorthodox by the presbytery [11]. Cultural conditioning and identifying began early if English evidence is equally applicable to Scotland. Court records showed that girls were more likely to be injured playing or working inside the house while boys were more likely to be injured outside [12].

Education was a matter for the church. The First Book of Discipline established the principle of universal elementary education to produce a Bible-reading population. Tayport Kirk Session would not allow engaged couples to marry unless one of them, not necessarily the man, could read the Scriptures [13]. The establishment of a school in every parish was a slow affair although Fife was better provided than most areas [14]. In 1638 the Synod of Fife recommended that all children between the ages of five and ten be sent to school but in practice girls were more likely to be withdrawn at an earlier age as parents often regarded practical skills as a more useful accomplishment than literacy. In 1645, for instance, Scoonie Kirk Session felt the need to remind its parishioners that 'bairnes alsweill female as male' were to be sent to school [15]. Even the kirk sometimes pursued a discriminatory practice; in Aberdour the Kirk Session paid for the education of two

poor children, Janet Robertson and Henry Tyrie. Both entered the school at the same time but Janet was withdrawn after two and a half years whereas Henry received a further two years schooling [16]. Girls' access to post-elementary education was further restricted; Pittenweem Kirk Session 'thought fitt' in 1650 'that the office goe through the toune and take up ane inventar of the whole maill children of the burgh betwixt eight and sixteen yeirs of age ... for schooling' [17]. Even when boys and girls attended the same school they were not necessarily taught the same subjects and in practice girls were often taught in lower-level adventure or 'women's schools which were established to cope with the problem of providing education for everyone when there were not enough official schoolmasters. The level of teaching was often rudimentary thus perpetuating low educational standards for women. Ballingry Kirk Session, for example, would not allow an adventure school 'unles it be a woman's school to teach lasses to sue only' [18].

Given girls' more limited access to education it is hardly surprising to find them less literate than men as judged by the ability to sign their name. According to Houston, between 1650 and 1750 men were on average 28% illiterate while for women the figure rose to 80%. In Fife, as in other rural areas, female illiteracy was higher still at 89%. Such pronounced



male/female differences in literacy attainments were similar to those found in England and other European countries in the seventeenth century [19]. Literacy levels did not necessarily reflect where the schools were, but the usefulness or otherwise of literacy to any one particular social group. The wives and daughters of lairds, professional, crafts and tradesmen had a greater need for literacy than servant girls. While the level of illiteracy for women in any one group was always higher than that for men in the same group, the relative difference between say professional men and male farm servants was similar to that between their wives. So while 2% of professional men, and 26% of their womenfolk were illiterate, male servants and labourers were 50% illiterate and their womenfolk 89% [20]. Female illiteracy tended to decline with age suggesting that women might supplement their formal education by the cheap expedient of learning from parents, employers or husbands. A servant girl for instance might only find a need for literacy after marriage in order to help run her husband's business.

Inability to write did not necessarily indicate inability to read and it is quite possible many more women could read than could sign their name [21]. Reading and writing skills were often taught separately so that girls, who were more likely to be withdrawn from school at an earlier age, may have learnt to read



but not necessarily to write. Whether women had the time, opportunity or inclination to take advantage of their ability to gain access to the world of ideas is a moot point. Only 7% of the 131 borrowers from the library at Innerpefray near Crieff between 1747 and 1757 were female [22] although it is possible that women read books their husbands or fathers took out. The little evidence that does exist suggests Scotswomen tended to read religious works or practical manuals about cookery or medicine rather than the romances popular among the gentrywomen of Restoration England [23].

Without education women were always likely to be treated as inferior. Among higher-ranking women education emphasised decorative skills such as music and sewing which were designed to them more marriageable rather than more learned. Yet a few humanist scholars claimed female learning could create a new bond between husband and wife [24] and some men among the growing middle class of lawyers, ministers and merchants perhaps did specifically seek wives who could fulfil a role as an intellectual companion.

For most girls scholastic education was unlikely to last more than one or two years at best. Their help was needed round the house and on the land but by their early teens 'custom, a desire for independence and sheer necessity' forced many girls (and boys) to leave

home [25]. Economic and moral pressures prevented them from living alone so most went to work as farm or domestic servants where they would be treated much like a junior member of the family. The higher the social status of a family, the less likely it was for children to go into service although other factors such as the nature of the local economy were also relevant. A list of pollable people in St Andrews in the 1690s illustrates this demographic trend. The list was divided into four categories according to wealth [26]. Children, particularly sons, were far more likely to remain at home in the top two categories. [See Table 1, p.13]

Urban areas had the highest demand for female servants [27]. They comprised 13% of the pollable population of St Andrews in the 1690s and 8% in Anstruther Wester, a much smaller and poorer burgh [28]. Unmarried servants, particularly female servants, were the most mobile section of the population. Trends concerning mobility can be analysed by examining the testimonials of good behaviour issued by the church. These had to be obtained before a person could leave one parish to seek work in another. Between 1649 and 1658 223 testimonials were issued or received from people arriving in or leaving Auchtermuchty, excluding children moving with their parents. Of these 55 were single men and 113 were

TABLE 1

Household Composition : St Andrews 1690s

Stock in merks	No. of House- holds	Sons at home	Daugh- ters at home	Male Serv- ants	Female Serv- ants	House- hold Size
< 100	68	4	9	10	7	2.3
100 - 500	53	7	6	14	15	2.6
500 - 5,000	68	60	35	29	51	4.4
5,000+	19	16	16	4	19	4.6

TABLE 2

St Andrews Poor Roll 1675-1680 (A Biannual Sample)

Year	January		June		Total
	Men	Women	Men	Women	
1675	6	14	21	46	87
1676	9	17	8	27	61
1677	6	22	6	19	53
1678	4	6	4	13	27
1679	2	6	5	11	24

single women, some of whom were probably women relocating on marriage [29]. There may have been a greater emphasis on women having testimonials as a means of controlling illegitimate births but this was unlikely in the 1650s when kirk sessions were generally just as anxious that men observed the discipline of the church. Whether they left in search of a better job or a suitable spouse, servants rarely stayed long in any one place, and women were more likely than men to move on quickly. Among servants employed on the Leven and Melville estates in Fife between 1754 and 1793, 83% of women stayed less than a year and 97% less than four years while the corresponding figures for men were 68% and 90% respectively [30]. Most mobility was short-range; in Auchtermuchty 85% of testimonials came from or were granted to places within ten miles of the burgh, although this may mask step-wise migration. Women tended to migrate slightly further afield than men. While 90% of the men migrated less than ten miles and 5% migrated between ten and twenty miles, for women the corresponding figures were 80% and 11%. Only 5% of men travelled over twenty miles compared to 9% of women, including one girl who went to Edinburgh and another who migrated to Holland at the age of seventeen.

Female servants were usually paid less than men. In Anstruther 1695 female servants were paid £6 or £8 a year whereas men's wages ranged from £5 to £40 [31]. Nevertheless some specialised female staff, particularly wetnurses in grand households, could earn good salaries; Sir Thomas Hope of Craighall paid a nurse £40 with a £20 gratuity in the mid seventeenth century [32]. There were occasional examples of equal pay [33] and wage differentials were less for harvest work where workers were paid on a daily basis. Strong adult women were paid 5/- a day for shearing in early eighteenth Lanarkshire, 83% of the male rate for able-bodied men while younger women were paid 3/- compared to the 4/- for a young man. To some extent such disparity probably simply reflected differing physical abilities [34] but female wages were not designed to make women self-sufficient or independent of male authority; they were expected to seek their role in marriage, in merging their abilities and personalities with that of a man.

Inheritance through the female line was the norm if there was no son. Usually daughters shared equally in the inheritance unless there was specific provision to the contrary, although the eldest daughter or her husband might be singled out as the representative of the whole inheritance for certain feudal purposes [35]. In 1567 'Gelis forbes dochter of alexander forbes of

her own motyve oblyst hir and binds her airs to mak herselfe be lawfully servit in ye croft as nairest and lawfull air to hir umquhile father alexander forbes' [36]. Daughters could also inherit burgess rights in default of a male heir and could pass on those rights when they married. Burgesses were jealous of their privileges, however, and placed restrictions on men gaining access to their ranks by this method. Dysart Town Council passed Acts in 1603 and 1609 resolving that if a freeman's daughter married a second husband after being widowed the new husband was not to obtain automatic burgess rights. Similarly if she was found to have 'abuse[d] her body by polluting of the same in harlotrie, and sua knawn either in her virginity or widowhood, she shall forfeitt the liberty of an freeman's dochter' [37]. Such moral inhibitions were not of course placed on sons who obtained their rights by blood.

Unlike the situation in England, women were rarely apprenticed to a trade although wives and widows of craftsmen and merchants often played a vital role in running the business. They were more likely to be involved in buying, selling and supervision rather than actual manual labour and probably employed a servant to free them from the chore of housework. Although women were occasionally to be found running various businesses generally regarded as the preserve of men

[38], the majority worked in traditional fields such as brewing, washing, spinning, working down mines as coal-bearers and keeping lodgings. Of the householders in central Edinburgh in 1694, 20% were women, many of whom must have been widows who could eke out a living renting out a room or two [39]. Fear of competition led to restrictions being placed on female industry so that women formed only a small proportion of the tax-paying craft and trade occupations. In 1597, for example, the Guild Court of Dunfermline protected the interests of their members by forbidding any woman, 'eather cled witht a husband or vidu by woll, skinis or hydis except black woll and black skinis vnder pain of escheating the woll skinis or hydis bought eftir this maner saving in tym of proclamit merkat' [40]. Skilled women's trades such as mantua-making were unprotected and women found themselves practising their skills for little or no remuneration even when the same activity could be profitable for a man. Women brewed and sold ale but the formation of the Edinburgh Society of Brewers in 1596, which restricted women's role in the brewing industry, 'probably did more than any single other act to undermine the economic status of women, whether as wives or widows' [41]. In late-seventeenth Fife women formed only 19% of the tax-paying brewers [42]. Furthermore moral restrictions were placed on women other than widows running alehouses. In Dysart 1607, for example, the council discharged 'all women or



maidennis, to draw or vent wyne, aill, or beir, bot men or boyis, under the pain of twenty pounds' [43].

Women were to be found working as teachers although they were only licensed to teach in adventure schools. They were not to encroach on the privileges of the official schoolmaster particularly with regard to fees or curriculum. While schoolmasters were getting an average salary of £80 to £100 a year, as well as fees of approximately 6/8d per quarter from each pupil, the schoolmistress licensed by Crail Kirk Session in the seventeenth century was paid 3/4d per quarter per child. The women who taught were often the daughters or widows of schoolmasters or ministers. Aberdour Kirk Session, for example, licensed their late minister's daughters to open an adventure school sometime before 1661. They probably acquired their knowledge and skill informally but this did not prevent them from being competent teachers - when the schoolmaster at Auchtermuchty was accused of neglecting his job in 1649, he replied that 'his wyffe did supply his absence being able to teach bairnes as well as himself' although at the same time he objected to the existence of a rival women's school in the town [44]. However good or talented they might be, women would always be restricted in their opportunities, usually paid less even when doing the same job and rarely given official credit for what they did do.



Unlike men who were identified by their occupation, women were identified by their marital status; the only independent female occupations mentioned in the Anstruther and St Andrews poll-tax lists were servants, a widowed brewer, a seamstress and a landowner although in practice a wife's help was often essential to the running of a farm, business or household. On the farm, although they were not expected to do the hardest tasks such as ditching or draining, women were expected to become involved in heavy physical labour. In 1656 the Justices of the Peace for the shire of Edinburgh laid down that

'The Wives of Hinds, whether whole or half Hinds, are to Shear dayly in Harvest, while their Masters Corn be cut down. They are also to be assisting with their Husbands in winning their Masters Hay and Peats, setting of his Lime-kills, Gathering, Filling, Carting, and spreading their Masters Muck, and all other sorts of Fuilzie (manure) fit for Gooding and Improving the Land. They are in like manner, to cary th[e stac]ks from the Barn-yards to the Barns for Threshing, carry meat to the Goods [livestock], from the Barnes to the Byres, Muck, Cleange, and Dight [clean out] the Byres and Stables, and to help winnow and dight the Cornes' [45].

Women looked after the animals, particularly hens and cows, they did the milking and made dairy products, took produce to market and, when all their other work was done, they would take up their spinning wheels rather than remain idle [46]. They played an essential and unquestioned role in running the household - cooking, cleaning, mending and making clothes and

raising children - a form of labour so often devalued but perhaps more appreciated in the early-modern period before the separation of living and working areas. Indeed a woman's public contribution to the labour force may not have enhanced her status much as only the humblest workers in the seventeenth century were paid in cash.

While a farmer's wife was involved in productive labour, a landowner's wife not only ran the household but often looked after the estate in her husband's absence. Owing to her husband's ill health, Jane, Countess of Sutherland 1545-1629 was largely responsible for running the estates, which she did very capably, turning Brora into a centre for coal-mining and salt-panning [47]. Women, presumably widows, could take an active role as heritors - in 1706 the presbytery of Kirkcaldy consulted Lady Reath about the appointment of a new minister [48] and some parishes allowed female heads of households to vote on the election of a new minister [49].

On marriage women lost many of the legal rights and privileges they had enjoyed as single women, but in practice wives often seem to have had a stronger position than the law would suggest. Although they required a husband's permission, just under a third of a representative sample of the testaments recorded by the St Andrews Commissariat 1549-1700 were written by women

[50]. Women rarely appeared as cautioners and never as witnesses although they were often made executors of a will and tutrix to their children [51]. Unlike an unmarried woman or widow a wife could not sue or be sued in her own name, nor could she contract personal obligations except in the case of household goods; in practice, however, married women were often seen to act as their husband's business partners. In 1617 Elizabeth Cranston, spouse of John Brown, skipper and burgess of Dysart, made a will as she was ill and he was absent, in which she was obviously seen to be as competent as he was in running the business [52]. Land or property was often let or given to both spouses rather than just the husband. David Ker and Catherine Eldar his wife were both ordered to pay James Moutray and Janet Wardlaw, spouses, twenty-three merks for a cow in Dunfermline 1606 [53]. Sometimes the wife's name was specifically mentioned in property transactions because it was her own heritable property which neither she nor her husband could alienate without the other's consent. Elizabeth Archibald who had inherited a tenement in Dysart from her father, sold the same with consent of her husband, David Sharp, burgess in Edinburgh, to Janet Normand, widow [54]. Courts often tried to protect women's interests at law against unscrupulous men. In 1608 Dunfermline Burgh Council asked Helen Barram, wife of Captain Patrick Rutherford, to declare on oath that 'she was not

compelled by her husband nor any oyeris to ye  
Disposition of her husband's four aikers and a half  
aiker elimozinar lands' [55].

Childbirth was a unifying factor for many women although a woman's status does not appear to have rested entirely on her abilities as a childbearer. Due to the late age at first marriage and relatively low fertility families were smaller than might have been expected in a pre-contraceptive age. According to Ceres parish registers 1657-61, 50% of couples had between one and two children, 36% between three and four, 13% between five and six and less than 1% had larger families although there were always exceptions like the minister and his wife who had thirteen children [56]. Given the rudimentary nature of contemporary medical knowledge, childbirth could prove a perilous experience. If the pregnancy was complicated both mother and child could die although the risk of dying in childbed was no greater than the risk of dying from infectious diseases and other causes in the period between births [57]. Houlbrooke calculated an overall maternal mortality rate of c.25 per 1,000 birth events for the sixteenth and seventeenth centuries compared with 0.12 per 1,000 in Britain in 1979 [58]. Yet the inherent danger in childbirth can be gauged from references in diaries. Andrew Hay of Cragneithan 'did greatlie fear' for the

life of his sister Janet, who gave birth to twins in 1659 as 'the second one did stick so long, and she was in so great paine' [59]. Childbirth in most households was an all-female occasion with female friends, relatives and a midwife usually present. Only in the wealthiest households was there likely to be a male doctor in attendance and even then he was not necessarily regarded as more valuable than the midwife. When Sir John Foulis of Ravelstone's wife gave birth in 1680 both a doctor and a midwife were in attendance but it was the midwife who was paid most [60]. If birth was a female affair, baptism belonged to the father. According to the First Book of Discipline, a child was to be presented for baptism by the father who was held responsible if the baby died unbaptised [61]; only in the case of his excommunication could the child be presented by the mother and her friends.

Marriage was likely to be relatively short-lived as poor health and fairly primitive medical care meant nearly ten times more people died in the seventeenth century before their children were grown up than is the case today [62]. Women, despite the dangers of childbirth, were more likely to outlive their husbands than vice versa but the widow could pose a weak link in the hierarchical, male-dominated chain of authority. James Melville described the ideal widow as Mrs Lawson, who was a 'remarkable mirroure of godlie weidowheid',

spending her time in fasting, prayer, meditation and good works, instructing the ignorant, comforting the afflicted and visiting the sick in mind and body [63]. In other words the widow was to show herself utterly selfless and to avert any suspicion of immorality by her sobriety and devotion. Many did not live up to the ideal; Margaret Philp, for instance was found guilty of fornication with a one-handed vagabond in 1592 after her husband's death [64].

Husbands usually did what they could to provide for their family in the event of their death, knowing women on their own often faced economic difficulties. Sometimes widows moved in with a grown-up son or daughter although poll-tax lists indicate there were very few extended family households. More commonly they lived separately, although possibly sustained in part by their children [65]. For those whose husbands had been comfortably off, widowhood could offer a woman her greatest opportunity for economic and legal freedom, putting her virtually on a par with men. Widows were entitled to at least a third of their husband's estate although they were often granted more. Sometimes they would continue to run the farm on their own or with the help of their children or servants. Burgess widows often inherited their husband's business in preference to a son and could retain his apprentices, or, like Mistress Hay in Perth, they might

act as usurers [66]. Poorer widows might earn a little money looking after animals for others or they might rely on charity or the generosity of former employers [67].

Remarriage was a possibility although in practice more widowers than widows remarried. According to Kilmarnock marriage register 1697-1764, 28% of men but only 11% of women were marrying for a second time [68]. Widowers gained a housekeeper, a nurse and someone to look after their children; widows gained the security of a man being held financially and legally responsible for them and a surrogate father for their children. Opportunities for remarriage probably varied according to the financial status of the widow, with only the comparatively wealthy or relatively young being in demand [69]. Nevertheless, although wives often had more independence than the law would suggest many would not necessarily want to give up their new-found freedom [70].

For many, however, widowhood was likely to be a time of financial constraint. A biannual analysis of the St Andrews Poor Roll 1675-1680 showed that usually at least twice as many women as men were receiving charity although it was not always clear whether they were single, married or widowed [71]. [See Table 2, p.13] Rural communities were more likely to make an effort to maintain poor women than poor men at home so



that women were more likely to be found as recipients of regular relief than as vagrants receiving occasional grants, of whom they comprised only 27%-30% [72]. Margaret Turpie, an old woman from Dunbog, for instance, was given money ten times between January 1668 and June 1670 with a final sad payment being made for her coffin [73]. Most of those receiving charity from Dunbog Kirk Session 1666-79 were elderly, crippled or had suffered misfortunes in their careers. Presbyteries recommended people for one-off, often quite substantial payments. They generally only dealt with genteel or special cases such as the St Monans woman 'fyled' by her husband with the 'French poxe', who requested financial help to pay for a Perth woman to cure her as no-one locally would look after her [74]. Although poor relief on its own was unlikely to be sufficient without some form of charity from friends or relatives, it could be regarded as an automatic right. In 1696 when a schoolmaster's widow was not receiving her benefits, her son threatened to take matters to the civil court [75].

Even in death women were treated as inferior. The deceased women and children of noble households were usually given simple funerals in comparison with the elaborate affairs deemed appropriate for the male head of a family, while in 1737 discrimination in colliers' funeral benefits meant that £18 was allowed for a man's



funeral but only £12 for a woman's [76].

### Women and the Law

Throughout Europe the nature of justice was changing in the early modern period as the state took over from the individual as the guiding force behind prosecutions and the emphasis turned from compensating the victim to punishing the criminal per se. Simultaneously the concept of female responsibility led to the first large-scale criminalisation of women as they were held liable for their involvement in the newly-emphasised offences of witchcraft and infanticide. Yet their legal status remained somewhat ambiguous. Traditionally they had enjoyed a certain degree of immunity from prosecution since they were classed as minors in the eyes of the law and therefore the responsibility of their husbands or fathers. This protection was particularly applicable to married women who benefitted from their weak legal status as far as petty crimes were concerned but were increasingly held responsible for their more serious offences. According to Sir George Mackenzie, a wife was 'liable to the ordinary punishment, tho' she obey her Husband in committing atrocious Crimes [but] ... she had not been liable in lesser Crimes' [77]. An earlier lawyer, Sir James Balfour of Pittendreich, regarded the situation as a little more complex. He argued that if a husband

and wife jointly committed a crime the woman should be punished 'according to hir demeritis' as, although she should give obedience to her husband 'scho sould not obey him in committing of grievous crimes, or hainous trespassis'. If a wife committed a crime without her husband's knowledge and he was reputed an honest man who had done all he could to reprove and chastise his wife, he was not to be held responsible for her crime 'bot at his awin plesour and will'. Furthermore a wife could be made liable for her husband's theft if the stolen goods were found in any place such as her clothes or jewel box whose keys were in her personal possession [78].

#### As pursuers, women

'could not accuse in any Case, except where she was revenging the Injury done to her self, Husband or Relations ... and can accuse none of Felony, except in some particular Cases ... the Murder of her own Husband ... and any Injury done to her own Body' [79].

In civil matters in particular, a husband could act on behalf of his wife. According to Hope,

'The husband in all courts may anser for his wyfe, bot the wyfe may not be persewed in no civill cause except her husband be also called to fortifie assist and authorise her. Nather may she persew any actione without her husband's consent and concurs, and the summons will not be sustained except it be intended at his instance for his enteres' [80].

Wives not infrequently appeared in court pursuing debtors on their own or their husband's behalf but if a

woman did answer in court without her husband's consent he was not obliged to follow the sentence of the court and could correct his wife 'as ane bairn within age, be ressoun of hir ignorance, and doing without his counsall or advise' [81]. Widows, however, were virtually on a par with men as far as legal status was concerned. They could act as surety and dispose of their property without reference to anyone else, although in practice ignorance of the law and lack of female credibility in contemporary society meant women would often have found it advantageous to be represented in court by a male relative [82].

Lawyers remained sceptical about their value as witnesses. According to Hume, lawyers in the seventeenth century generally excluded 'all witnesses of the female sex though an exception might sometimes be allowed, at the discretion of the Judge, in the trial of an occult or a domestic crime, or for some cogent reason, in the nature of the particular case' [83]. Women's admissability as witnesses was particularly relevant in cases of witchcraft and infanticide where they were often the only people present [84]. Yet as late as 1684 a woman's testimony was rejected out of hand in an adultery case. The reason, according to Mackenzie,

'why women are excluded from witnessing, must be either that they are subject to too much Compassion, and so ought not to be more received in criminal Cases, than in any Civil Cases, or else the Law was unwilling to trouble them, and thought it might learn them too much Confidence, and make them subject to too much Familiarity with Men and Strangers' [85].

It was not until the eighteenth century that women's testimony became more generally accepted [86]. The situation was fairly similar in both Scotland and England with the period witnessing a gradual extension both of women's rights and their liabilities.

Church, as opposed to secular courts placed women on a more equal footing with men. This was often due to the nature of the offences dealt with, but even where there were male witnesses, evidence from women was generally regarded as equally valid. In 1690, when the Presbytery of Kirkcaldy was investigating a charge of drunkenness levied against Mr Williamson, the minister of Kirkcaldy, evidence was taken from women as well as men [87]. Women, largely for financial reasons, rarely acted as surety; their oaths in matters concerning paternity were generally considered less acceptable than that of the men involved but otherwise any attempt to discount their evidence on the grounds that they were not reliable or 'famous' witnesses was almost always over-ruled by the court [88]. In matters concerning their eternal salvation, and especially in sexual matters, women were considered to be fully

responsible for their actions [89], although there were occasions when husbands were expected to take some responsibility for their wife's (and childrens' or servants') behaviour. An Act of 1661, recognising economic realities, made husbands financially responsible for their wife's swearing - in Auchtermuchty 1658, for example, Bessie Buist's husband was ordered to pay the £4 fine she owed for drinking and swearing, while Bessie herself was to stand in the jousts [90]. Nevertheless such a step was very rare and women were almost always called before the church courts on their own. Bills of complaint were almost as likely to be given in to the church courts by women as by men. Christian Scrimgeour, daughter of the late minister at Kinghorn, for example, successfully pursued a claim against the manse for expenses, although she was at one point ordered to find two or three men to mediate for her [91].

The administration of Scots law was complex, comprising a great variety of largely decentralised courts which were often in the hands of private individuals and corporations, rather than paid servants of the state. The judicial system was not innovatory, but based on custom, old usages and practices tailored to suit the needs of local communities; while the role of statute law was essentially to make a formal declaration of already prevailing custom. Thus there

was, at times, considerable disparity between the practices of the courts and the body of codified law. The role of the courts was not only to prosecute criminals, but to maintain an orderly and civil society in the widest possible sense, through extensive control of local economic and social affairs and the enforcement of a strict moral code [92].

According to Clark, the Reformation witnessed the secularisation of Christian law, particularly with regard to morality [93]. Church and state enjoyed a close affiliation in the intensely religious seventeenth-century; the church defined public morality and the state found it useful as a means of social control to co-operate by extending criminal statutes to cover such offences as blasphemy, adultery and witchcraft. Secular and ecclesiastical courts worked in harmony with each other, often sharing the same personnel [94]. Kirk sessions usually included bailies among their elders thus facilitating the referral of offenders from one court to another as magistrates provided civil punishment for those who transgressed the moral code [95]. There is likely to have been considerable under-reporting of offences as people tended to settle disputes, where possible, less expensively and inconveniently, out of court. Acquittal before any court was rare as evidence was usually damning for the case to be brought in the first

place; all of which suggests that considerably more crime took place than was actually recorded.

At the top of the secular judicial hierarchy were the central courts based in Edinburgh: the High Court of Justiciary, the Privy Council, the Court of Session and the principal Commissary Court. The Justiciary Court dealt with serious criminal cases, the Privy Council with both civil and criminal offences and the Court of Session and Commissary Court with purely civil affairs. Women only appeared with some regularity in the Commissary Court, which dealt with indebtedness, matrimonial and inheritance disputes, although expense limited contestants to those with a considerable degree of wealth. At a provincial level the civil and criminal affairs of Fife were well served by a complex arrangement of sheriff, burgh, baron guild and local commissary courts with their varying degrees of judicial competence. Jurisdiction was vested in the magistrates: generally the more prosperous merchants and craftsmen in the burgh courts, and the landowner in the baron courts, while those who appeared before them were usually their social inferiors [96].

The records of such courts reveal a public world that was essentially male; women only become visible in a manner comparable to that of male defendants in the records of the ecclesiastical courts. The post-Reformation hierarchy of church courts - Kirk



Session, Presbytery, Synod and General Assembly - was initiated in 1559 with the establishment of the earliest known kirk session, at St Andrews, although several years were to elapse before the final structure was fully evolved.

The synodal court, based on a provincial unit such as Fife, was essentially a supervisory body handling matters of church administration and questions of orthodoxy, and only rarely involved with disciplinary proceedings. The area covered by the Synod of Fife was subdivided into four presbyteries centred on St Andrews, Cupar, Kirkcaldy and Dunfermline, each supervising approximately a dozen to nineteen kirk sessions. The presbytery, which consisted of the minister[s] and some of the ruling elders of each parish, acted as an advisory and appeal court, generally meeting once a week to deal with serious disciplinary cases, particularly adultery and witchcraft, contumacious offenders from all sections of society and most cases involving landowners or ministers.

The best source for a study of the manners and morals of the masses lies in the depositions and confessions made before the kirk session [97]. The session, the lowest level of church court meeting once a week, was based on the parish unit and consisted of the minister and his elected helpers, the elders, who



generally represented the more respectable and prosperous members of the congregation [98]. Women of course were never considered for eldership, being regarded as incapable of sitting in judgement. The duties of the elders consisted of assisting 'the ministers in all public affairs of the kirk; to wit, in determining and judging causes, in giving admonition to the licentious liver, in having respect to the manners and conversation of all men within their charge' [99]. However the emphasis focussed on the more easily detectable and scandalous sins, in particular sexual irregularities, Sabbath-breaking, drinking and disorderly conduct, disrespect for the church and slander. It was no coincidence that other sins condemned by Knox, 'excess be it in apparel or be it in eating ... oppressing of the poor by exactions', sins more likely to be committed by the social equals or superiors of the session, were rarely prosecuted. As those appearing before the court were generally the lowest-ranking section of the community, usually cottars or servants, it is evident that the kirk session, although relatively democratic in composition, acted in effect as a means of social control imposed by the parish elite. This desire for order and conformity was common to all religious and political elites in early-modern Europe. Yet the session was motivated by a desire to reform and reconcile rather than condemn and ostracise the sinner, 'willing to wyn synneris wyth

quietnes rather nor severite to repentans, evir hoping from day to day willing obedience and satisfaction' [100]. They were insistent but considerate; in Dunbog when a woman guilty of fornication was unwell, her repentance was delayed until 'the next Lord's day if her health did permit her' [101]. Trials were usually short and simple as the facts appear to have been well-known and the majority of those accused pleaded guilty. The interest generated in close-knit communities by the session's activities is indicated by a note in the Register of St Andrews Kirk Session who, in 1589, found it necessary to regulate against people trying to eavesdrop on their meetings [102]. Not everyone welcomed such clerical interference, however, and the same kirk session was troubled by people making 'proud and querelling speiches' when they were supposed to be making public repentance [103].

Sinners could be drawn to the session's attention by the minister himself, by an elder, by the head of the culprit's household, indeed by any 'godlie' person. An elder or beadle would issue up to three private summons after which the person would be publically cited from the pulpit if he or she had failed to compear or send an acceptable excuse. If, after three public citations and three public prayers the person still had not appeared the lengthy and serious process of excommunication might be begun. Few held out long

enough to undergo the sentence which involved, in theory, total ostracism by the community (with the exception of the immediate family), exclusion from the sacraments of the church (including most significantly baptism for their children) and the threat of eternal damnation; all reinforced by various civil liabilities. Even though the social ostracism was often disregarded - the minister of Newburgh complained in 1647 that even his own elders still went out drinking with a man excommunicated three years previously - fear of eternal damnation was strong enough to at least bring about a sick-bed repentance [104].

Ecclesiastical punishment took the form of a private, or more commonly a public rebuke, which involved sitting or standing on the penitents' raised stool at the front of the church for all or part of the service while the minister castigated the sinner for his offence in terms similar to the following rebuke of a self-confessed fornicator in 1701. The minister pointed out

'the heinousnes of his sin and how great advantage the diavel had gotten of him and how loth the diavel was to part with any grip he once got and how much he now stood in need to be eminent in his repentence as he was eminent in his sin' [105].

Appearances on the stool varied from a single Sabbath for minor offences such as scandalous carriage or cursing to a full year for incest or murder [106]. For offenders with some influence, or for lesser offences,

the penitent might be allowed to remain in his or her own seat; for particularly heinous offences the punishment might be augmented by having to wear a seemingly despised sackcloth robe or by standing bare-headed and bare-footed at the church door between the second and third bells. Besides church censure, a civil penalty was often imposed, usually a fine which was scaled according to the nature of the offence and sometimes to the ability of the offender to pay as, according to Archbishop Spottiswood, 'to be punished by the purse is a thing that ever hath bene most grievous to Scottishmen, and keepeth them in aw' [107]. Those who could not or would not pay were sometimes put in the joughs (an iron collar fastened to a public place such as the market cross or the church) for a few hours, put in prison for one to two weeks, or occasionally, whipped or branded. In Ceres 1647, for example, Euphan Robertson, a relapsed fornicator, was ordered to stand in the joughs between the second and third bells as she could not afford to pay her fine [108]. Imprisonment was not necessarily harsh: in St Andrews 1583 the session ordered James Steill, the jailer,

'to lett na person enter in the presson hous to the personaris, to beir cumpanie with thame in extraordinar drinking and wantownes ... and that the dur be closit fast at sex houris at evin nichtlie, and nocht opnit quhill the morn at day lycht' [109].

Persistent offenders, or those guilty of particularly

heinous offences could face some form of temporary or permanent banishment from the parish, the locality or even the whole country. Successful evasion of the penance was rare as a testimonial of good behaviour was necessary to move to a new parish or to find work and the arm of the kirk was long - the Presbytery of Kirkcaldy ordered Jean Weymes to be brought back from Holland in 1649 for suspected infanticide [110].

It made sense for the church to extract fines wherever possible as the money went into the poor-box and the paucity of surviving references would suggest corporal punishment was relatively rare [111]. The jougs, and particularly the branks (an iron bridle which covered the head and sometimes had a spiked mouthpiece), were largely reserved for women. Ceres 1644-75, for example, put eight women but no men in the jougs, all for some form of slander or flyting. Partly this was because the branks, and to a lesser extent the jougs, were seen as a particularly suitable form of punishment for those accused of slander and flyting which were largely female offences, and partly because they were often the alternative to financial penalties which women were less likely to be able to afford [112]. Otherwise there was little difference in the forms of punishment meted out to men and women, and generally women do not seem to have been condemned or punished more harshly than men for the same offence.

When John Donaldson and Agnes Forret in Inverkeithing were jointly convicted of taking their master's goods, they were both ordered to stand, one on the market cross and the other on the burgh tron for two hours [113]. Similarly, regarding methods of execution, class and the nature of the crime rather than gender were the relevant factors [114].

The three main areas in which women were involved in conflict with church and state were sexual offences, witchcraft and disorderly conduct. An examination of the depositions and confessions of those involved, not only contains information on the offences themselves, but can also be used to create a wider, if still limited, picture of the circumstances surrounding the lives of seventeenth-century Scotswomen.



### Introduction - Notes

1. Recent research on lower-ranking women in early-modern Scotland will be found in C. Lerner, Enemies of God: The witch-hunt in Scotland (Oxford 1984); R. Mitchison & L. Leneman, Sexuality and Social Control: Scotland 1660-1780 (Oxford 1989) and R. Houston, 'Women in the Economy and Society of Scotland 1500-1800', in R. Houston and I. Whyte, eds., Scottish Society 1500-1800 (Cambridge 1989). Upper-ranking women are dealt with by Rosalind Marshall, The Days of Duchess Anne: Life in the Household of the Duchess of Hamilton 1656-1716 (London 1973) and Virgins and Viragos: A History of Women in Scotland from 1080-1980 (London 1983). Evidence pertaining to women is also to be found in articles such as those by Winifred Coutts, 'Women, Children and Domestic Servants in Dumfries in the Seventeenth Century: their economic status as seen through the Registers of Testaments and Grants of Confirmation 1600-1665', Trans D & G Nat Hist Soc 41 (1986) 73-83 and I.D. Whyte and K.A. Whyte, 'The Geographical Mobility of Women in Early Modern Scotland', in Leah Leneman, ed., Perspectives in Scottish Social History
2. Calculated from information in Webster's census of 1755 in in Webster's census of 1755 in J.G. Kyd, Scottish Population Statistics, SHS 3rd series 44 (1952) pp.39-41 and T.C. Smout, A History of the Scottish People 1560-1830 (London 1969), p.244.
3. For a general background to the period see Jenny Wormald, Court, Kirk and Community in Scotland 1470-1625 (London 1981) and Rosalind Mitchison, Lordship to Patronage, Scotland 1603-1745 (Edinburgh 1983); Smout, Scottish People and Houston and Whyte, Scottish Society deal with the social aspects. Rural developments are covered by Margaret Sanderson, Scottish Rural Society in the Sixteenth Century (Edinburgh 1982) and Ian Whyte, Agriculture and Society in the Seventeenth Century (Edinburgh 1979). Burgh life is dealt with by Michael Lynch, Edinburgh and the Reformation (Edinburgh 1981) and the later seventeenth century economy by T.C. Smout, Scottish Trade on the Eve of Union (Edinburgh 1963).
4. David Douglas, Early Travellers in Scotland (n.p. 1891), pp.85-86.
5. R.A. Dodgshon, Land and Society in Early Scotland (Oxford 1981) p.211.
6. Douglas, Early Travellers, p.169.

7. Smout, Scottish Trade, pp.136-37, 282.
8. See Ian MacLean, The Renaissance Notion of Women (Cambridge 1980).
9. Family structure in England is analysed in Keith Wrightson, English Society 1580-1680 (London 1982), ch.4.
10. Memoirs of Sir John Clerk of Penicuik 1676-1755, J.M. Gray, ed., SHS 13 (Edinburgh 1892), p.78.
11. William Stevenson, The Presbytrie Booke of Kirkcaldie (Kirkcaldy 1900) p.353.
12. Ralph Houlbrooke, The English Family 1450-1700 (London 1984), p.146.
13. James Beale, A History of the Burgh and Parochial Schools of Fife, ed. D.J. Withrington SCRE 82 (Edinburgh 1983), pp.110-11.
14. For a detailed history of education in Fife see *ibid*.
15. *Ibid*, p.18.
16. *Ibid*, p.39.
17. *Ibid*, p.18.
18. *Ibid*, p.106.
19. R. Houston, 'Aspects of Society in Scotland and North-East England 1550-1750: Social structure, Literacy and Geographical Mobility' (Cambridge PhD 1981), p.255-6. Female illiteracy in England was c.90%.
20. R. Houston, 'The Literacy Myth? Illiteracy in Scotland 1630-1760'. P & P 96 (1982) 81-102, p.196.
21. The findings of a report on a reputed mass religious conversion in Cambuslang in 1742 would support this supposition. Of the 110 people involved, 75 were women, two-thirds of whom were from the ranks of small tenants or craftsmen, 13 from still more humble origins and 7 were of a 'middle-class' status. Although only 11% of the women could write (a figure in accordance with Houston's findings of literacy based on ability to sign), all of them could read. T.C. Smout, 'Born Again in Cambuslang. New Evidence on Popular Religion and Literacy in Eighteenth Century Scotland'. P & P 97 (1982) 114-127, pp.121-22.



22. Houston, 'Women', p.136.
23. Marshall, Duchess Anne, p.118.
24. Houlbrooke, The English Family, p.32.
25. I. & K. Whyte, 'Geographical Mobility', p.94.
26. StAUL/B65/20/2 (List of Pollable Persons in St Andrews in accordance with the Act of Parliament 1693, vol IX, pp.266-68.)
27. The need for female domestic servants in towns, the larger catchment area for a major centre like Edinburgh and further aspects of female mobility are discussed in I. & K. Whyte, 'Geographical Mobility'.
28. (Poll-tax lists for Anstruther Wester, June and September 1695).
29. StAUL/CH2/24/1. Comparative work done on mobility in seventeenth century Earls Colne in Essex found that half the men but only one sixth of the women were baptised and buried in the same parish. A. Macfarlane, Reconstructing Historical Communities (Cambridge 1977), p.133.
30. Houston, 'Women', p.126.
31. In Lasswade the average male servant's wage was £19 p.a., compared to £12 for a woman. R. Houston, 'Poll Tax Records of Lasswade, Midlothian 1694', Scottish Genealogist (Sept 1981) 122-139.
32. John di Folco, 'Aspects of Seventeenth Century Social Life in Central and North Fife' (St Andrews B Phil 1975), p.54. See also R. Marshall, 'Wetnursing in Scotland 1500-1800' ROSC 1 (1984) 43-51, p.47.
33. John Brown and Grissel Bruce, gardeners at Holyrood, were both paid 15/- sterling per week. Marshall, Duchess Anne, p.82.
34. Houston, 'Women', p.123. In early seventeenth century Fife 'ilk wark man out of ze harvest being in dayly labor' was paid 2/- with meat or 5/- without, but no mention was made of wages for female harvesters. StAUL/Ms dep 42/1/4.
35. G. Paton, ed., Introduction to Scottish Legal History, Stair Society 20 (Edinburgh 1958), p.209-10.
36. William Muir, ed., Gleanings from the Records of Dysart 1548-1796 Maitland Club 73 (2) (Edinburgh 1862), p.23.

37. Andrew Gibson, Extracts from the Ancient Records of the Burgh of Dysart 1533-1763 (n.p. 1865), p.346.
38. Among the exceptions were Agnes Brown, postmistress at Haddington in 1685, Martha Stevenson who ran a bookshop in Edinburgh and who was educated enough to recommend books to her customers, Agnes Campbell who took over her husband's printing press (Marshall, Virgins and Viragos, pp.155-56) and Mistress Moreis and her sister, 'hous painters' at Glamis in 1687. A. Miller, ed., The Book of Record: A Diary written by Patrick, 1st Earl of Strathmore and other documents relating to Glamis Castle 1684-89. SHS 9 (1890), p.93.
39. Smout, Scottish People, p.164.
40. E. Torrie, ed., The Gild Court Book of Dunfermline 1433-1597. SRS new series 12 (Edinburgh 1986), p.154.
41. Michael Lynch, 'Urban Society 1500-1700', in Houston & Whyte, eds., Scottish Society. 85-118, pp.108-09.
42. StAUL/38101 (Decreet in Cupar sheriff court, 12.7.1699 against the brewers of Fife for non-payment and false declaration. Alice Clark found a similar situation in seventeenth century England where, for example, there were no more female bakers than in any other trade. Their domestic skill was not enough for them to establish a position in the world independently of their husbands. The only possible female predominance in the victualling trade was in the subsistence area of regrating (buying and selling perishable goods from door to door). A. Clark, The Working Life of Women in the Seventeenth Century (New York 1919) p.210.
43. Gibson, Extracts from Ancient Records, p.35.
44. Beale, Schools of Fife, p.19.
45. Houston, 'Women', p.120.
46. In her instructions for servants Lady Grissell Baillie specifically mentioned that female servants were to be kept at their spinning till 9pm after all their other work had been done. R.Scott-Moncrieff, ed., The Household Book of Lady Grissell Baillie, SHS 2nd series 1 (1911) p.278.
47. H. Graham, A Group of Scottish Women (London 1908), p.53.
48. SRO/CH2/224/4, 21.11.1706.

49. Houston & Whyte, Scottish Society, p.137.
50. All testaments under surnames beginning with 's' were examined for the period 1549-1700, of which 444 were written by women (247 of whom were married, 136 were widowed and 61 were unmarried or of unknown marital status) and 771 by men. F.J. Grant, ed., The Commissariat Record of St Andrews Register of Testaments 1549-1800. SRS 8 (Edinburgh 1902), pp.299-339. Coutts found a similar situation in early seventeenth century Dumfries in 'Women, Children and Domestic Servants' p.73, where about one third of the testaments and wills were written by women who tended to leave legacies to children of an earlier marriage or to other relatives.
51. In 1568 Touch, a burghess of Dysart, made his wife and daughters his executors. W. Muir, Notices from the Local Records of Dysart, Maitland Club 73 (1) (Glasgow 1853), p.36.
52. Ibid., p.44.
53. A. Shearer, ed., Extracts from the Burgh Records of Dunfermline in the Sixteenth and Seventeenth centuries (Dunfermline 1951), p.24.
54. Muir, Gleanings from Dysart, p.61-62.
55. Shearer, Burgh Records of Dunfermline, p.45.
56. GRO/OPR/415/1 (Ceres Old Parish Register 1620-1700). A time span of 12 years on either side of the years 1657-1661 was examined in order to calculate family size. Illegitimate births other than those of couples who later married were discounted. The findings would suggest slightly larger families than has been calculated for Kilmarnock 1705-1709, which estimated family size to be: 1-2 children 65%, 3-4 children 23%, 5-6 children 7%, over 7 children 1% and unknown 3%. R.W. Flinn, ed., Scottish Population History (Cambridge 1977), p.286.
57. Roger Schofield calculated that in an English village of c.1,000 inhabitants a death in childbed would occur on average only every third year. R. Schofield, 'Did Mothers Really Die? Three Centuries of Maternal Mortality in 'The World we have Lost' in L. Bonfield, R. Smith & K. Wrightson, eds., The World We Have Gained: Histories of Population and Social Structure. Essays presented to Peter Laslett on his 70th birthday (Oxford 1986) 231-261. The amount of time a married woman spent in a state of pregnancy is a controversial matter. Marshall claims they must have spent most of the time pregnant although Fraser restricts this to the

upper classes; Houston argues that the intergenerational interval from first to last birth averaged 25-30 months for lower-ranking women who breast-fed. Of the women buried in Greyfriars and St Cuthberts churchyards in Edinburgh 1739-69, only 4% died in childbirth. Houston, 'Women in the Economy and Society, p.128.

58. Houlbrooke, The English Family, p.129.
59. The Diary of Andrew Hay of Craignethan 1659-1660, A. Reid, ed., SHS 39 (1901), p.192.
60. The Account Book of Sir John Foulis of Ravelstone 1671-1707. A.W. Cornelius Hallen, ed., SHS 16 (1894), p.28. The doctor was paid £27.16.0; the midwife £40.12.0.
61. William Gilchrist for example was ordered to make his repentance in sackcloth in St Andrews in 1568 for allowing his child to die unbaptised and to adhere to his wife under pain of excommunication. D. Hay Fleming, ed., The Register of the Minister, Elders and Deacons of the Christian congregation of St Andrews 1559-1600, 2 vols SHS 4 & 7 (1889 & 1890) p.302.
62. C. Carlton, 'The Widows Tale: Male Myths and Female Reality in Sixteenth and Seventeenth Century England', Albion 10 (1978) 118-127, p.121. Vivien Brodsky calculated that 85% of a sample of 104 London marriages lasted less than 20 years and 60% less than 10 years 1580-1610, but mortality rates were higher in urban than rural areas. V. Brodsky, 'Widows in late Elizabethan London: Remarriage, Economic Opportunity and Family Orientations' in Bonfield, Smith & Wright, The World we have Gained, 122-154, p.136.
63. The Diary of Mr James Melvill 1556-1601. Bannatyne Club 34 (Edinburgh 1829), pp.146-47.
64. Fleming, St Andrews K.S., p.728.
65. One Dumfriesshire husband specified in his testament that 'if my wife and her foresaid son cannot agree in house together then she to have Chiptie Know to be used by her and that he shall labour it to her profit'. Coutts, 'Women, Children and Domestic Servants', p.79.
66. Patrick, First Earl of Strathmore paid 'Mistress Hay in Perth 320 lib. scotts as 3 years @ rent of three thousand merks' he owed her. Miller, ed., Glamis Book of Record, p.99.
67. Janet Dobie was a washerwoman employed by the Duches of Hamilton. Her husband, a fellow servant, died in 1659 leaving her four children and most of his property.



She continued washing until 1664 when she was given a pension by the Duchess who also paid for her thatching, repairs to her cottage and for her funeral. Marshall, Duchess Anne, p.82.

68. None of the Fife kirk session registers examined had information on remarriage as opposed to first marriage. R. Houston, 'Marriage Formation and Domestic Industry: Occupational endogamy in Kilmarnock, Ayrshire 1697-1764', JIH 8 (1985) 215-229, p.219. Work on Colyton in Devon 1550-1679 similarly showed that widowers were three or four times more likely to remarry than widows and while the concept of lusty and wealthy widows remarrying younger men may have been true of London (see Brodsky, 'Widows in Elizabethan London'), of the 6 widows mentioned in Colyton, 4 remarried widowers. Carlton, 'The Widows Tale', p.122.
69. No detailed studies of remarriage patterns for Scotland have yet been carried out and evidence on remarriage for the seventeenth century would be very difficult to obtain. Work on early modern England would suggest that the widows of craftsmen and tradesmen were more likely to remarry than the wives of the wealthiest or the poorest sections of the population. Brodsky, 'Widows in Elizabethan London', p.123.
70. Brodsky argues that most London widows placed their conjugal and domestic aspirations above any desire for economic independence. Ibid., p.143.
71. In Aberdeen 1695-1705 three-quarters of all those receiving relief were women, of whom two-thirds were widows. Houston & Whyte, eds., Scottish Society, p.13.
72. I. & K. Whyte, 'Geographical Mobility', p.99.
73. StAUL/CH2/102/1, 12.1.1668 passim to 26.6.1670.
74. StAUL/23/2, 23.3.1642.
75. StAUL/23/4, 26.8.1696.
76. Baron F. Duckham, 'Life and Labour in a Scottish Colliery 1698-1755', SHR 47 (1968) 109-128, p.121.
77. The Works of Sir George Mackenzie of Rosehaugh, Advocate to King Charles II and King James VII. With many learned treatises of his, never before printed. 2 vols, (Edinburgh 1716-1722), II, 183.
78. The Practicks of Sir James Balfour of Pittendreich (1597) P. McNeill, ed., 2 vols Stair Soc 21-22 (Edinburgh 1962), I, 96.

79. MacKenzie, Works, II, 225.
80. Hope's Major Practicks 1603-1633, J. Clyde, ed., 2 vols, Stair Soc 3 & 4 (Edinburgh 1937 & 1938) I, 135.
81. Balfour's Practicks, I, 93. See also Mackenzie, Works, II, 286.
82. See below p.29.
83. David Hume, Commentaries on the Laws of Scotland respecting Crimes (Edinburgh 1844), 2 vols, II, 339.
84. Mackenzie outlines the particular cases when women may be admitted witnesses and when not, in Mackenzie, Works II, pp.255-56.
85. Ibid.
86. Hume, Commentaries, II, 339-40.
87. SRO/CH2/224/2, 22.7.1690.
88. See for example the alleged adultery case mentioned in the presbytery of Kirkcaldy on the 4 February 1641 where Sir George Bosuelli's claim that his servant, Margaret Alexander, was not a 'famous' witness, was discounted. Stevenson, Presbytrie Booke of Kirkcaldie 1630-1653, p.150.
89. According to Mackenzie, Works, II, 57, all minors, not just females were to be held fully responsible for any sexual offences.
90. StAUL/CH2/24/1, 25.4.1658. Mackenzie similarly noted that husbands were to pay any fine imposed on their wives by the J.P.s for cursing. Mackenzie, Works, II, 62.
91. Stevenson, Presbytrie Booke of Kirkcaldie, p.203.
92. A comprehensive survey of the Scottish legal system will be found in S.J. Davies, 'The Courts and the Scottish Legal System 1600-1745: The case of Stirlingshire', in V. Gatrell, B. Lenman and G. Parker, Crime and the Law: The Social History of Crime in Western Europe since 1500 (London 1980) 120-154.
93. I. Clark, History of Church Discipline in Scotland (Edinburgh, 1929), p.105.
94. In South Queensferry for example most of the elders were or had been on the burgh council. W. Makey, The Church and the Covenant 1638-1651 (Edinburgh, 1978), p.151.

95. See for example Fleming, St Andrews K.S., p.324.
96. For information on the composition and competence of the various secular courts see G. Paton, An Introduction to Scottish Legal History. Stair Soc. 20 (Edinburgh 1958).
97. For full details on the operation of the church courts see W. Foster, The Church before the Covenants, the Church of Scotland 1596-1638 (Edinburgh 1975).
98. In sixteenth century St Andrews the elders were generally lairds, merchants or master craftsmen; in rural areas tenants or small proprietors predominated although the wishes of the laird were likely to carry weight. W. Makey discovered a similar composition for elders in the parishes of Stow and Liberton near Edinburgh in 'The Elders of Stow, Liberton, Canongate and St Cuthberts in the mid-seventeenth century'. RSCHS 17 (1972) 155-167.
99. John Knox, The History of the Reformation of Religion in Scotland; to which are appended Several other pieces of his writing; including The First Book of Discipline, W. M'Gavin, ed., (Glasgow 1831) p.509.
100. Fleming, St Andrews K.S., p.473. The genuine concern for godliness and morality of one Presbyterian elder can be discerned in the Diary of Alexander Brodie of Brodie 1652-1680 and of his son, James Brodie of Brodie 1680-1685. Spalding Club (Aberdeen 1863).
101. Quoted in John di Folco, 'Discipline and welfare in the mid seventeenth century Scots parish', RSCHS 19 (1977) 169-183, p.175.
102. Fleming, St Andrews K.S., p.652.
103. Ibid., p.910.
104. Andrew Anderson excommunicated in 1647. G. Kinloch, ed., Selections from the Minutes of the Presbyteries of St Andrews and Cupar 1641-1698. Abbotsford Club 7 (Edinburgh 1837) pp.109, 112-113. For a sick-bed confession see Stevenson, Presbytrie Booke of Kirkcaldie, p.371.
105. N. Smith, 'Sexual Mores and Attitudes in Enlightenment Scotland' in P. Bouce, ed., Sexuality in Eighteenth Century Britain (Manchester 1982) 47-73, p.55.
106. See for example Mary Pringle who was ordered to do just a single Sabbath's repentance for swearing (StAUL/CH2/65/1, 18.6.1657) and William Petty and Helen Duncan who were given a year for incest (StAUL/23,

10.12.73, 26.8.74, 9.12.1674).

107. Foster, The Church before the Covenants, p.80.
108. StAUL/CH2/65/1, 19.12.1647. Her partner delayed satisfying and then disappeared from the records after joining the army.
109. Fleming, St Andrews K.S., p.495.
110. Stevenson, Presbytrie Booke of Kirkcaldie p.339. Jean's partner, John Cunningham, had remained in Wemyss.
111. This corresponds with the situation in seventeenth century Essex where shame punishments (stocks etc) were rarely inflicted. J. Sharpe, Crime in Seventeenth Century England: A County Study (Cambridge 1983) p.149. Kirkintilloch burgh court 1654-98 contains only 4 references to people being put in the jugs; Houston however suggests scourging through the city was a common punishment for relapse whoremongering in early modern Edinburgh.
112. According to Gordon Debrissay, the Aberdeen Justice Court in the late seventeenth century reserved corporal punishment for the young, the poor and women. Houston & Whyte, Scottish Society, p.24.
113. W. Stephen, History of Inverkeithing and Rosyth (Aberdeen 1921) p.240.
114. When Jean Livingstone was convicted of murdering her husband, Lord Wariston in Edinburgh 1600, she was beheaded while her female accomplice was burnt. R. Pitcairn, ed., Ancient Criminal Trials in Scotland compiled from the Original Records and MSS, with Historical Illustrations etc, 3 volumes Bannatyne Club (Edinburgh 1833), II, 445-46.



## THE WITCH-HUNT

### Scottish Witchcraft in its European Setting

Witchcraft in the fullest early-modern sense of the word comprised two distinct elements - the performance of maleficia and the conclusion of a pact with the devil. In the words of the Reverend James Hutchison, preaching at an execution in Paisley in 1697, a witch is 'a person that hath Immediat converse with the devil, That one way or other is under a compact with him acted and influenced by him in reference to the producing such effects as cannot be produced by others without this compact' [1]. Maleficia was largely the concern of the peasant accusers; the demonic pact the fear of the higher-ranking prosecutors, although there was a considerable overlap between elite and popular beliefs. Magic could be used for either malevolent or benevolent purposes, although the distinction between black and white magic could become blurred as one person's good fortune might become another's misfortune. Witchcraft needs to be further distinguished from sorcery; the latter is an acquired skill achieved by mechanical or manipulative means whereas witchcraft can be effected simply as a result of a power inherent in the witch's person.

Belief in the power of witches to perform maleficia was not new or unique to early-modern Europe but from c.1450-1750 the number of prosecutions for witchcraft rose to such an extent that it developed into a witch-hunt involving hundreds of thousands of people throughout Europe and resulted in the deaths of around 60,000 individuals [2]. Many theories have been forwarded in an attempt to explain the witch-hunt but only a multi-causal approach can hope to provide any generalisations for such a complex problem. Such an approach has been most succinctly argued by Levack who distinguished between intellectual and legal changes as necessary preconditions, general religious and social change as immediate causes, and specific events which triggered localised witch-hunts [3].

The pattern of witch-hunting was not uniform but varied widely according to time and place. The Scottish experience lay somewhere between the intense persecution carried out in Germany, where devil-worshipping sects were seen as the enemies of society in general, and the much tamer activities of English witch-hunters where witches were believed to act in isolation against specific individuals. Total accuracy is impossible but it seems likely that just over 1,000 people were executed in Scotland [4]. Witch-hunting arrived late in Scotland and there is little evidence of witchcraft trials until new

ideologies began to filter through with the Reformation. In their desire to create a godly state, the Reformers pressed the government to criminalise a variety of moral offences, including witchcraft. In 1563 the legal framework for prosecution was established with the passing of the Witchcraft Act making witchcraft a criminal and capital offence for the first time, but relatively few trials ensued. The first mass hunt did not occur until 1591 with the introduction of mature diabolism involving the demonic pact and witch covens at the trial of the North Berwick witches. It was James VI himself who was largely responsible for introducing such beliefs into Scotland on his return from the Danish court in 1590, but they were readily accepted by the clerical and lay establishment. Sermons by Robert Bruce on witchcraft in 1589 and 1591 indicate the change in demonology from a view of the devil as an evil spirit causing rifts between man and God, to a belief in the physical worship of Satan. Such demonic ideas were readily imposed on enduring peasant beliefs in maleficium where witchcraft could explain phenomena no contemporary science could account for. The imposition of demonological theory, whereby the witch's power was seen to have emanated from her pact with Satan, was not uniform throughout Scotland. In the Highlands white witches continued to ply their services unmolested and generally speaking, the further an area was from the

intellectual and judicial centres and the weaker the control of the kirk session, the less likely there was to be intensive witch-hunting.

Witch hunting was also intensely episodic in nature: the big national hunts taking place in 1591, 1597, 1628-30, 1649-50 and 1661-62. Economic disasters could have an effect on local outbreaks of witch-hunting but it is difficult to make any general correlations between surges of witch-hunting and demographic disasters [5]. Indeed certain events such as plague and war could have an adverse effect on witch-hunting by disrupting the operation of the legal machinery. St Andrews Presbytery, for example, met at Anstruther in May 1647 'as long as the plague continues in St Andros; and resolved to meete bot once in fourteen days, because of the danger of frequent meeting' [6]. Political instability rather than economic disaster is a more likely explanation for nationwide hunts. The panic in the 1590s took place when the extreme Melvillian party was dominant and ended abruptly at the end of 1597 when they lost influence and the Privy Council's standing commission to try witches was revoked.

No convincing explanation has been found for the 1620s hunt other than it seems to follow on an injunction by the Privy Council tightening up on law and order in general, while that of 1649 took place

when a beleaguered Covenanting government embarked upon a drastic tightening-up of morality. Cromwellian occupation resulted in declining numbers of cases, due largely to greater English sceptism, while the Restoration of the monarchy and Episcopacy resulted in one final mass panic in 1661-62 with the need to re-establish controls on law and order. Although there were several localised hunts, the days of the witch-hunter were numbered. Religious fanaticism began to abate and rationalism crept in. The Edinburgh advocate, Sir George Mackenzie, while not denying the reality of witchcraft, appealed for caution in the face of man's ignorance of nature and questioned the occurrence of misfortune after an expression of hostility as a proof of witchcraft. Increasing sceptism led to fewer convictions which in return reduced the number of cases brought in the first place. Execution became a rarity (the last being at Dornoch in 1727) and the Witchcraft Act of 1735 repealed earlier legislation, allowing only the pretended crime of witchcraft which carried a maximum penalty of a year's imprisonment.

#### The Pattern of Witchcraft in Fife

Christina Larner's Calendar refers to 169 known cases of witchcraft in Fife and a further 136 people who were mentioned as witches, including a reference to

40 people being burnt in Fife in 1643. This gives a total of 305 possible cases. Her findings were based on a study of the records of the central courts, together with references in secondary works. Research into local court records, principally those of the four presbyteries in Fife [7], has revealed a further 185 names, giving a total of 490 cases. Initially it had been assumed that presbytery records would reveal all accusations of witchcraft as the General Assembly had ruled in 1586 that censure of supernatural crimes was to be referred to the presbyteries; the competence of kirk sessions only extending to cases of slander. However, an analysis of all known cases in the years for which presbytery records survive, indicates that 48% (134 cases) were not dealt with by the presbytery. Eighty-nine of these are to be found in the minutes of the kirk session or burgh court, and in the case of the kirk session cases at least, probably did not warrant referral to the presbytery. Twenty-seven of them, however, were cases mentioned in the Register of the Privy Council which should, in theory, have been previously dealt with by the presbytery, so that even for the years and places with surviving presbytery records it is impossible to achieve a complete pattern of witchcraft accusations. [See Table 3, p.57]

TABLE 3

Trial Status of all Fife Witchcraft cases according to the Highest Court dealing with the case (excluding the '40' of 1643)

Court	Mention	Processed	Commission	Tried	Total
PC/JC	18	20	109	24	171
Presb	26	46	0	31	103
KS/Brg	18	42	0	34	94
Other	20	5	0	17	42
TOTAL	82	113	109	106	410

Key: PC/JC = Privy Council/Justiciary Court  
 Presb = Presbytery Court  
 KS/Brg = Kirk Session/Burgh Court  
 Other = Diaries, secondary works etc.

TABLE 6

Fate of all cases in Table 3

Court	NK	Acq	Misc	NCP	Comm	Ex	TOTAL
PC/JC	62	12	8	1	64	24	171
Presb	49	17	11	13	0	13	103
KS/Brg	29	29	5	8	0	23	93
Other	28	2	1	0	0	11	42
TOTAL	168	60	25	22	64	71	410

Key: NK = Not known  
 Misc = Miscellaneous - fled, suicide etc.  
 Acq = Acquitted/released on caution  
 NCP = Non-capital punishment  
 Comm = Commission issued (probable execution)  
 Ex = Execution



The Fife presbytery records contain a total of 146 cases, 85 of which are not mentioned in Lerner. [See Table 4, p.59] However it seems likely that in the majority of these new cases the evidence against the accused witch was insufficient to warrant the expense of sending someone to Edinburgh to obtain a commission for their trial. Of these, 31% resulted in acquittal or a non-capital sentence (generally public repentance) or, where the result is unknown (51%) it seems simply to have petered out due to lack of evidence, and there was little reason to record the inconclusive result in the presbytery minutes. [See Table 5, p.59] Christian Barclay from Kilrenny, for example, was warded 'upon the dilation of one onely quho was known to have her at deadlie feid thent fama clamosa. Neither confesiun na dilatuin following therupon' her husband petitioned the presbytery to release her upon caution, which was granted [8].

Fifteen of the new cases involved charming, an offence which only seems to have merited public repentance, while at the other extreme seven of the processes resulted in the presbytery recommending that a commission be applied for, although there is no record in the Privy Council of this actually being done. Only 8% of the new presbytery cases resulted in a known execution compared with 25% of the sixty-one cases in Lerner. A significant number of executions



TABLE 4

Trial Status of Presbytery cases mentioned in  
Larner's Calendar and new cases

	Mention	Processed	Commission	Tried
In Larner	16	15	5	25
New Cases	18	48	1	0

TABLE 5

Fate of Presbytery cases

	N.K.	Acq.	Misc.	N.C.P.	Ex.
In Larner	30	7	6	3	15
New cases	48	13	5	11	6

Key: N.K. = Fate not known  
 Acq. = Acquitted or released on caution  
 Misc. = Miscellaneous - fled, suicide etc.  
 N.C.P. = Non-capital punishment  
 Ex. = Executed

did not go through 'legitimate' channels however. Of the sixty-four executions which do not appear in central court records, fourteen predate the withdrawal of the Privy Council's standing commission in 1597, and seventeen are rather vague references in secondary works. Of the thirty remaining cases it is notable that twenty-three date from the years 1643-44, as will be discussed below.

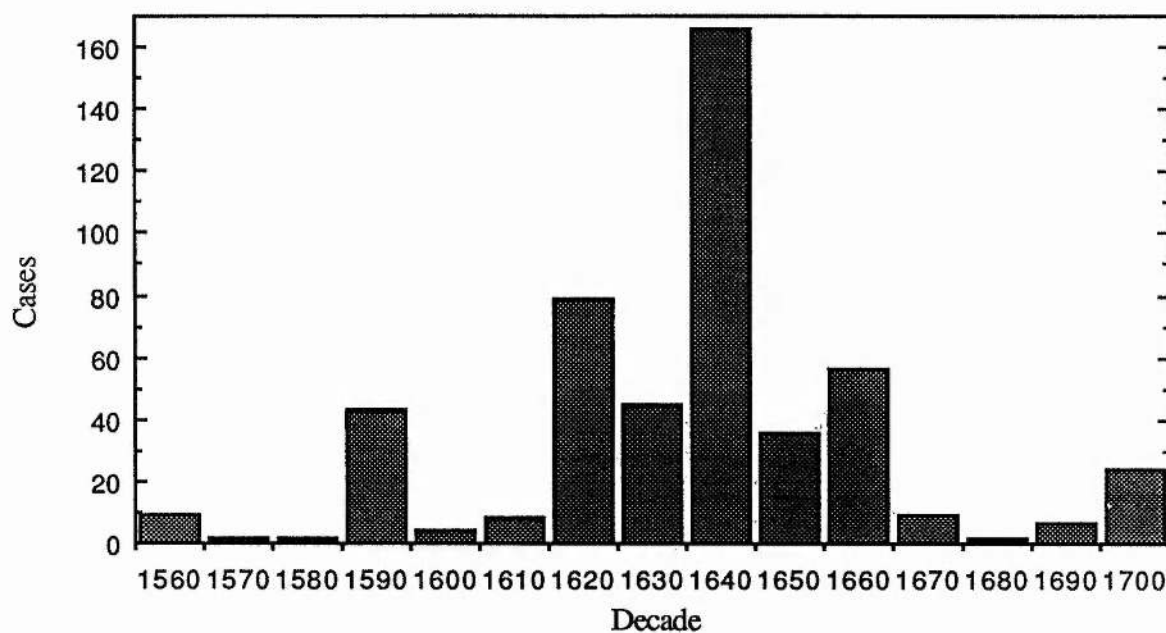
On the whole, the chronology of witch-hunting in Fife follows the national pattern with some deviation in the 1620s and 1640s. [See Figure 1, p.61] There are virtually no mass hunts in any period outside the known peak periods confirming the significance of the General Assembly, and perhaps more importantly the government, in provoking and determining the level of activity and establishing the necessary intellectual climate. An indication of this is seen in the Register of the Kirk Session of Aberdour in 1661, where,

'finding that in all parts, they are doing something for the dinging down of the kingdom of Sathan, the Session thought that they likewise would do something for God's glory ... seeing there are several in this toune, that long ago should have been apprehended for witchcraft' [9].

Most of the known cases of Scottish witchcraft from before 1590 are from Fife, particularly the St Andrews area. This is probably due partly to the lack of surviving documentation for other areas and partly because it took time to appoint Protestant ministers,

**FIGURE 1**

**Approximate Number of Witchcraft Cases in Fife 1560-1710**



**TABLE 7**

**Miscellaneous and Non-capital Outcomes of Witchcraft Cases**

Miscellaneous Outcome		Non - Capital Outcome	
Fled	17	Public repentance	10
Died in ward	6	Banished	4
Suicide	5	Released on caution	9
Other	2	Cautioned privately	3
		Unspecified	4

and many parishes lacked suitably qualified clergy and efficient church courts for a good many years after the Reformation.

While the fear generated by the trial of the North Berwick witches in 1591 does not seem to have particularly affected Fife, the national panic of 1597 did. The Calendar of State Papers refers to many witches being burnt in St Andrews, and on 17 August 1597 the presbytery ordered a fast 'because of Goddis jugementis presentlie strykinge be pestilence and famine, as also of the discoverie of the gryt empyre of the deivill in this countrey be witchecraft' [10]. Famine and plague were prevalent throughout the country in the late 1590s, but witches never seem to have been blamed for such widespread natural disasters which were regarded rather as divine retribution for the general level of sinfulness in the land. God's anger might therefore be appeased by prayer and fasting, and by seeking out and punishing sinners, including witches, who became the scapegoats for the problems of society.

For reasons that remain obscure, witch-hunting in the 1620s began earlier in parts of Fife than in much of the rest of the country. The panic appeared to start in Inverkeithing in February 1621, spread to Aberdour in August 1622 and back to Inverkeithing the following February. The inter-relationship of these three cases can be judged by looking at the names of

the commissioners appointed by the Privy Council. Two of the men, William Blaikburne of Inverkeithing and James Logenne of Coustoune, bailie of Aberdour, were involved in cases in both burghs. There is little indication of what might have prompted the initial panic; local disasters - fire in Dunfermline and a great storm damaging many harbours and boats along the Fife coast - were not attributed to witchcraft and do not coincide with witch-hunts. No presbytery records survive for the period to indicate whether there were any local injunctions on witch-hunting, but from the tone of the Privy Council edict in 1624, concerning commissions, and references to those accused having long-standing reputations for witchcraft, it might be surmised that local tensions and antagonisms were responsible for at least the initial accusations. In 1626 it was the turn of Dysart and Wemyss, and in 1627 'the wast of fife, specially Dunfermlin and torryburn, began to be infested be witches and warlocks' [11], although little evidence of hunting survives for this particular year. Fife, and in particular Dysart, participated in the national panic of 1628-30, although to a lesser extent than some other areas, probably as the supply of possible suspects and undesirables was likely to have been exhausted by then.

The lull in the 1630s was followed by the climax of Fife witch-hunting in the 1640s, most cases occurring in two distinct panics: the first in 1643-44, the second in 1649-50. 1643-44 was remarkable for the unusually high level of witch-hunting that took place in Fife. According to Spalding 'about this tyme, many witches ar takin in Anstruther, Dysert, Culros, Sanctandrois and sindrie uther pairtis in the cost syde of Fyf. Thay maid strange confessionis and war brynt to the death' [12]. Although it was a peak period for individual commissions, and certain other areas experienced more activity than usual, the level in Fife appears to be exceptional. There is no mention of any disaster or other factor specifically affecting Fife, and it may be that as most of the evidence comes from local, rather than central records, further research in other parts of the country might yield similar results. However as Spalding specifically mentions Fife this seems rather unlikely.

Tension between church and state was rising in the early 1640s with disputes over the extent of the kirk's power to define the running of the godly state. The General Assembly renewed the call for vigilance on witchcraft in 1640 and demanded the co-operation of the magistrates in 1642. In 1643 the Solemn League and Covenant was signed and the political situation in the capital was tense as the Privy Council was being

petitioned by both sides in the English civil war. A rift developed between church and nobility in the Council as the General Assembly's demand for the re-establishment of a standing commission to try witchcraft was refused and they ordered the presbyteries to act against all those who signed the Malignant petition opposing presbyterian dominance. It is possible that in this spirit of antagonism and uncertainty over legality, presbyteries were not applying to the Privy Council for commissions to try witch cases. Indeed of the twenty-three definite executions that took place in 1643-44 (leaving aside Lyon's reference to forty people being burnt) not one seems to have been performed legally after a Privy Council commission was obtained.

The Presbytery of St Andrews appears to have been particularly conscientious in following the General Assembly's injunctions on purging the country of ungodly non-conformists, whether these were Malignant protestors or witches - the two categories being mutually exclusive, largely due to the fact that the former were male and the latter generally female [13]. The presbytery seem to have been working in collaboration with the Earl of Lindsay and the stewartry court [14]: a reference in the minutes in January 1644 entreats 'Mr Jas Bruce, to remember the Erle of Lindsay to give a general commission for

apprehending, trying and judgeing of such as are, or sall be dilated for witches within the stewartrie'. The illegal executions appear to have been mainly confined to the area under the Presbytery of St Andrews. The Presbytery of Kirkcaldy was more concerned with cases of charming, while records for the other Fife presbyteries no longer exist.

A slight lull followed due to the disruption caused by war and plague curtailing the activities of both civil and ecclesiastical courts. In line with the national trend, figures soared again in 1649, although on the whole those places worst affected in 1643-44 did not experience a second mass hunt five years later. As elsewhere, the number of cases fell dramatically with English occupation, only to rise again in 1661-62 (although not as badly as elsewhere) when a back-log of cases could be cleared up. Margaret Currie and four other Aberdour women with bad reputations were first accused and acquitted of witchcraft in 1654 only to be retried and executed in 1661 [15]. There was one final localised panic in 1703-05, largely due to particularly credulous ministers in Pittenweem and Torryburn. By this time, however, such cases were regarded as unusual and stimulated considerable comment and controversy.



While it is probably true to say that Fife was one of the worst affected areas in Scotland, it is a statement that requires some modification. Not all of the county was similarly affected. No place inland suffered from a mass hunt although they may have had isolated cases, while practically every coastal burgh was badly affected. [See Figure 2, p.69] The predominance of coastal burghs is attributable primarily to demographic patterns. The existence of a relatively populous and crowded community in which tensions could easily be nurtured was a prerequisite for a mass hunt, and most such settlements in Fife tended to be on the coast. Rural parishes were composed of several small farm-touns rather than nuclear villages. In such small, widely interspersed communities there were fewer opportunities for antagonisms to become unbearable or possible suspects to accuse. The few inland burghs such as Cupar and Falkland do not seem to have been badly affected although this may simply have been coincidental. Associating witch-hunting specifically with coastal burghs presents some problems. Large-scale maritime disasters such as the great storms in 1625, 1656 and 1658 were not attributed to witchcraft and even individual disasters at sea, which could have been imputed to personal malice on the part of the witch, rarely appear in depositions. Only five cases from Fife contain evidence relating to disasters at sea or

references to the sailing community. Even when Charles I visited Burntisland in 1633 and one of his boats perished in the Forth in fine weather, there were no accusations of witchcraft - in marked contrast to the reaction of James VI to the North Berwick incident forty-three years previously [16]. Most evidence of maleficium, even in coastal communities was related to non-maritime incidents.

Similarly it is difficult to link witch-hunting with economic decline; the mass hunts tended to occur in the first half of the seventeenth century when trade in the Fife ports was generally booming and the fishing was good. It was only after the disruption and loss caused by war in the late 1640s and a period of bad fishing from c.1655 that their economic status began to decline, and at the same time allegations of witchcraft became less frequent. Associating witchcraft with the antagonisms and jealousies caused by economic prosperity is possibly a more fruitful line of enquiry [17]. The pattern of accusations in Fife is not uniform. The area round St Andrews was the first to be affected, followed by the south coast, and ending up along the banks of the Tay in the north. To some extent this follows the pattern of influence and prosperity; the areas first affected were those closest to the central legal machinery and the contemporary political and religious debates. Although the

## Map of Fife Witchcraft Cases



connection between witchcraft and coastal burghs is primarily demographic, there is one other possibly relevant factor: the personality of the typical suspect. Independent assertive women were more likely to be accused of witchcraft than their quieter sisters, and fishing villages, where men were often away at sea and women left in charge, may have harboured more such characters than farming communities [18].

Coastal areas were more prone to witch-hunting than inland areas, but there were still considerable differences between the various coastal burghs; the two heaviest centres being the Dysart/Kirkcaldy/Wemyss area and the Inverkeithing/Dunfermline area. Most of the coastal burghs would have experienced, at one time or another, the social and economic conditions which made witch-hunting possible; whether a panic actually occurred must have been in large measure due to the attitudes and beliefs of those in charge of the local machinery for prosecution: the clergy, magistrates and landowners. It is difficult to apportion blame between the clergy and the magistrates; demarcation lines merged easily as one individual might combine the roles of elder and bailie while some cases, as in Burntisland 1649-50, might appear in both kirk session and burgh court, or in only one or other of the two. The crusading spirit behind the hunt was likely to come from the General Assembly, through the medium of the

clergy giving sermons on witchcraft, making appeals for evidence and examining suspects, but they needed the collaboration of 'godly magistrates' for prosecution. In February 1644, for example, a panel of ten ministers and a quorum of judges went to Cellardyke to consider the delations against Margaret Myrton. Finding her justly accused they advised the judge to apprehend and try her [19]. At other times it might be the civil authorities who were the more zealous. In July 1597 the bailies of Pittenweem complained to the presbytery that their minister, Mr Nicol Dalglish, was not being strict enough with witches - he was concealing depositions and objecting to witnesses [20]. In September of the same year it was the presbytery who made a supplication 'to his Majestie for the repressing of the horrible abuse by carrying a witch about' to examine other witch suspects for signs of guilt [21]. At least two such witch detectors were active in Fife at the time - Margaret Atkin, 'the great witch of Balweary', who claimed she could recognise a witch by looking in her eyes, and a Marion Kwyne whose searches in Kirkcaldy led the bailies to arrest fourteen people.

The role of the clergy tends to be more obvious and has been examined in more depth [22]. Certain ministers acquired a reputation as witch hunters; Mr John Smith, minister of Burntisland was requested by the Presbytery of Dunfermline to help out with their

many suspects in 1643. Although witch-hunting occurred in times of both Presbyterianism and Episcopalianism, the ministers most actively involved tended to be Presbyterian in sympathy. In only three parishes experiencing a witch-hunt do the ministers appear to have been Episcopalian - James Sibbald in Torryburn 1666, John Littlejohn in Collessie 1662 and Laurence Oliphant in Newburgh 1662. However not all staunch Presbyterians were necessarily witch-hunters. Mr William Row, elected minister of Ceres in 1644 and deposed in 1665 for failure to conform to Episcopacy never seems to have been involved in a witch-hunt.

Although much must have depended on the attitude of the individual minister, the possibly more moderate attitude of the Episcopalians may be inferred from the Privy Council injunction in November 1624 that all future commissions for witch trials were to be presented to the local bishop first as the Privy Council had 'been verie oft troubled' by the opportunism of those who applied for commissions and had found that 'manie of their dittaes and informationis in sindrie of the speciall poynts and heidis thairof seemed to be verie obscure and dark' [23]. Nearly half the applications for commissions coming before them in the first half of the 1620s had been from the burghs of Culross and Inverkeithing, both of whose ministers were Presbyterian.

Besides the role of the clergy or the magistrates as a body, certain powerful individuals played an influential role. James Wemyss, Laird of Lathockar, for example, seems to have taken on the role of witch-hunter with particular enthusiasm. A former elder of the Kirk Session of St Andrews, in 1588 he sought the presbytery's help in dealing with Alisoun Pervie, a suspected witch, and was personally responsible for imprisoning and torturing Geillis Gray whom he had taken from the minister of Crail [24]. To some extent landowners, magistrates or ministers may have shared in the tensions that made possible the identification of witch suspects and may even have encouraged delations against certain individuals, but evidence of personal interaction and antagonism between a suspect and her judges is hard to find [25].

Executions were not as common as has sometimes been supposed. [See Table 6, p.57] There were 101 definite executions in Fife during the period witchcraft was a criminal offence (1563-1735, excluding the 'forty' of 1643), and a further ninety-two cases which probably ended in death as commissions for 'trying and burning' had been granted by the Privy Council. If we take the population of Fife to have been around 80,000 [26], that gives an average of just over one execution per annum. Mass hunts were comparatively rare and most people were in little



danger of ever being prosecuted for witchcraft. But the number of people accused or slandered of witchcraft, either informally or at kirk session level, was considerably greater than the number of prosecutions for witchcraft, and when a community was seized by a witch panic, in which even the unlikeliest people could be implicated, many more must have been affected by the pervasive sense of fear [27]. A whole community would become involved in the throes of a hunt - in Pittenweem 1643, forty to fifty of the ablest men in the town were ordered to guard the tolbooth and place of execution, while the session ordained that witches' depositions were to remain secret as 'so soon as ever they did delait any, presently the partie dilaitit got knowledge therof and thereby was presently obdurate, at least armit, for defence' [28]. Burntisland and Inverkeithing both suffered mass hunts in 1649-50. Twenty-five people were accused in Burntisland and twenty-three in Inverkeithing, approximately 3% and 4% of the total respective populations [29]. However if one calculates those accused as a percentage of the adult female population, the category most at risk, the figures rise to 8% in Burntisland and 11% in Inverkeithing, and there must have been many more who lived in terror of false denunciation [30]. Even so, the worst outbreaks of persecution in Scotland pale in comparison with certain continental evidence: in Würzburg 1629, for example, the chancellor concluded

that a third part of the city was implicated in the current witch-hunt [31].

Although witchcraft was regarded as a sin of the most heinous order, its detection and prosecution formed a fairly small part of presbytery proceedings. Witchcraft comprised 10% of the business coming before St Andrews Presbytery 1641-1656, a period which included the particularly active years of 1643-44. Erikson suggests that levels of deviancy should remain constant as 'at any one time the worst people in the community are considered the criminals, although the type of action considered deviant may vary' [32]. Although the numbers involved are too few to be able to disagree conclusively, for the Presbytery of St Andrews at least, witchcraft seemed to be regarded as an exceptional fault to be sought out in addition to normal business. In the 1640s the presbytery dealt with an average of eight cases a year; in 1644, however, the figure was doubled by the new witchcraft cases.

Witchcraft formed an even smaller proportion of the business being dealt with by the kirk session, but again the level of investigation varied greatly according to year and location and the preoccupations of the minister and his elders. Witchcraft was discovered as soon as there was a fear of it [33]. Not a single case appeared before the Kirk Session of Ceres

1644-1680; even in 1649 there was no unusual activity. Burntisland, on the other hand, participated wholeheartedly in the moral crusade of 1649, dealing with fifty-one cases including ten of witchcraft, compared to an average of seven cases per annum in the 1630s. Yet without the co-operation of the civil authorities conviction was impossible, and without the provision of examples of maleficia from peasant accusers the supply of suitable suspects would dry up. No one individual or group can be held entirely responsible for creating and maintaining a witch-hunt; the concurrence of clergy, peasants and magistrates were all necessary.

#### The Process of Prosecution

Witches might be prosecuted as isolated individuals or they might be implicated in a hunt involving, in Fife, anything up to around twenty-five people. Isolated cases or small hunts tended to involve only those people who fulfilled the stereotype of the witch, thus enabling a community to rid itself of its undesirable members. Larger chain-reaction hunts involved more unlikely suspects who were implicated through the ravings of a demonic (very rare in Scotland and confined to the late-seventeenth century), or were named by someone already accused and imprisoned for witchcraft and who was being pressurised

to name accomplices [34]. The hunt in Pittenweem 1704-05 escalated on both these accounts. The case was initiated when Patrick Morton, a sixteen-year old smith, accused Beatty Laing of bewitching him after he refused to do some work for her. Patrick manifested the classic signs of demonic possession: spectacular fits and spasms in which he complained of being pricked and tormented by the devil and his witches who were attempting to entice him to become one of their number. The similarity between his behaviour and that exhibited by Christian Shaw in the then notorious case of the Bargarron witches eight years earlier, drew the gentry for miles around to see the phenomenon for themselves. Such attention doubtless went to Patrick's head and, perhaps fed with names of those unpopular in the burgh, he widened his accusations and implicated Janet Horsburgh and Thomas Brown. When Beatty was imprisoned and questioned she implicated Lillian Wallace, Nicholas Lawson, Isobel Adam and Janet Cornfoot. Patrick then named some of these women as being among his tormentors and at the same time two other people came forward to denounce some of the accused. Patrick apparently named yet more people but they were 'some of the most considerable Mens Wives in the Town, but such as the Minister and Baillies durst not venture to imprison'. Three more people were eventually implicated and the case was taken to the Privy Council who acquitted all involved. Certain sections of the burgh were not

satisfied, however, and, with the connivance of the bailies, one of the accused, Janet Cornfoot, was lynched [35].

Just over half of those accused of witchcraft in Fife were implicated in hunts involving four or more people where the impetus for investigation was likely to have been the confession of another witch. After the heady days of the 1590s, however, it gradually came to be realised that such a system was open to abuse, and although a delation might indicate a line of enquiry, on its own it was rarely enough to convict a suspect. In 1644 the General Assembly recommended to the Synod of Fife that the appropriate ecclesiastical censure to be taken on someone only delated by one confessing witch was suspension from communion, pending investigation; considerably pre-dating the legal opinion of Sir George Mackenzie who, in 1678, argued that the confession of one witch should not secure the conviction of another without additional evidence.

Torture was not the only cause of delation; a neighbour might voluntarily accuse someone out of jealousy, fear or malice. In 1630 Janet Beverage from Dysart complained to the Privy Council that, taking advantage of the recent discovery of some witches in the town, her enemies had maliciously slandered her as one. Such accusations were more likely to be taken seriously in times of panic; in the 1620s 75% of

accusations in Fife resulted in execution or at least the seeking of a commission for trial, whereas in the 1630s that figure was more than halved and fell to 31%. But even the most enthusiastic of sessions sometimes realised the danger of false accusation - in 1643 Dunfermline, with its prison full of suspects, doubled the fine for falsely slandering someone of witchcraft.

Complaints such as Janet Finlasoun's were rare; in 1597 she appealed to the Privy Council that the bailies of Burntisland,

'haveing consavit ane haitrent and malice aganis the said complenair without ony just caus of offens or injurie done be hir to thame, and thair onlie purpois and intentioun being to enriche thameselffis with the said complenaris guidis and geir, thay have at divers tymes ... takin and apprehendit the said complenair' [36].

Pecuniary greed on the part of the authorities was a most exceptional motive for prosecution as most victims were poor, and so involved the town in expense. Thus the Kirk Session of Dalgety had to spend £24.4.4 on the trial and execution of Isobel Kelloch who was too poor to pay for the commission for her trial [37].

Although the initial impetus for investigation might come from another witch, the evidence of neighbours was regarded in law as more significant. Besides specific instances of maleficium, the reputation of the accused was regarded as a sign, although not a proof of witchcraft. Witchcraft was a

matter of social recognition: the crime was being a witch rather than any specific act of witchcraft and, as with sexual offences, it was important for anyone slandered as a witch to defend their character before they acquired a bad reputation. When Helen Small was accused of witchcraft in 1649 one of the factors counting against her was the fact that she knew herself to be long slandered as a witch yet had done nothing to purge herself. Her reply that she 'could not stope their mouthes, and God would reward them' did not satisfy the presbytery, but without further evidence of malice they were forced to release her [38].

Almost without exception, in those cases where the accused initiated proceedings herself by bringing an action for slander, she was subsequently vindicated, as such slanders were often made in the heat of an argument and were not necessarily meant to be taken literally. When Alexander Thomson slandered Jean Gray of witchcraft in 1654, he admitted he had no proof and so was ordered to make private repentance [39]. But bad timing could make such self-advertisement risky. When Janet Anderson presented a bill to the Kirk Session of Aberdour in 1650 complaining that two women had accused her of bewitching a baby, the session started investigations. Several other people came forward with examples of her 'uncannyness' and Janet was imprisoned and the witch-pricker sent for.



Fortunately he does not appear to have arrived and nine years later she was given a testimonial to leave the parish [40].

In such cases where the accusation of witchcraft was not regarded as slanderous, evidence of evil repute or sufficient accusations of malice might result in the imprisonment of the suspect as 'the work of God in discovering and punishing that abominable sin is greatly obstructed if ease and liberty be provyded' [41]. Flight was no guarantee of freedom; Elizabeth Broun was implicated in a mass hunt in Inverkeithing in 1623. She fled the burgh only to be recaptured and burnt by the Presbytery of Dalkeith four years later [42].

Examples of malefice or a bad reputation were not sufficient proof in themselves, however, to persuade the Privy Council to issue a commission for trial; the legal proof necessary was evidence of an explicit pact with the devil. Confession of such a pact would, until the late-seventeenth century, almost invariably result in execution so that some form of torture would be necessary to obtain it. The most common method used was sleep deprivation whereby a group of local men would be detailed to watch or wake the witch, ostensibly to ensure that the devil could not regain power over her and that she did no harm to herself. Inevitably the victim would begin to hallucinate if

such measures were continued long enough. In 1704 Janet Cornfoot was committed prisoner to the tolbooth of Pittenweem. 'She was well guarded with a Number of Men, who by Pinching her, and pricking her with Pins, kept her from Sleep many Days and Nights, threatening her with present Death, unless she wold confess her self Guilty of Witchcraft, which at last she did' [43]. The principal advantage of this method was that the interrogators could then claim the confession to have been given voluntarily and later retraction of the confession was rendered void. Additional physical proof of the pact was to be found in the discovery of the devil's mark, an insensitive spot on the witch's body which did not bleed when pierced with a long pin. Discovery of such a spot would doubtless further erode a victim's self-confidence and make her all the more likely to confess [44].

Waking and pricking were generally sufficient to obtain a confession and there is no specific mention in Fife records of other instruments of torture, although in 1598 and 1684 two women were crippled during interrogation [45]. The cold, hunger and general harshness of prison conditions led to the death of several victims; others in despair committed suicide. [See Table 7, p.61] A long miserable imprisonment was most likely to occur when there was insufficient evidence to obtain a commission for trial but where the

suspicion was too great for the suspect to be freed. In 1649, for instance, Margaret Philp's husband petitioned the Kirk Session of Dunfermline that she, 'so long detained in ward and under suspicion of witchcraft and sterving for want ather that she be fund guilty or clear of that crime' [46]. If the accused had no friends to plead for her, financial self-interest on the part of the councillors might induce them to release her. When the burgh of Culross failed to obtain a commission to try Elspeth Craiche locally in 1656, the council 'considering within this quarter of this year bygane as the great expens that this burgh is at for the present in susteanying and interteanying her in bread and drink and uther necessaris', released her on caution of 500 merks [47].

At this stage approximately 46% of known cases were referred to the Privy Council or Justiciary Court. A commission to try the accused locally was preferred as being cheaper and more likely to result in conviction than the burgh having to go to the expense and trouble of transporting the witch to Edinburgh. The case of Mary Cunningham and her daughter provides an unusually well documented exposé of the corruption and injustice that could occur. Mary, a wealthy widow, and her daughter, Janet Erskine, were delated by 'two infamous persones wha, being apprehendit for witchcraft and haveing evil will againes us, said that we war also

great witches as thameselffis'. On the advice of the town clerk they were illegally arrested and imprisoned where they found themselves in danger of starving as the jailers intercepted their food. The councillors of Culross purchased a commission for their trial but when they realised an advocate was defending them,

'eftir outering of some bitter and malitious speiches they dissolved the court and dismist the assysse and refused to minister justice, and have made us so odius to the ignorant comones whom they intend to make our assysouris that they wald be content to tear us in peices farr more to fyle and condemne us upon the most sklender and frivolus reasones that can be alleadgit'.

Their advocate was 'most vyldlie abused and railed upon by ane of the bailies who then did convocatt ane number of weeman and people so that the said Mr David and his servand war forcitt for fear of thair lyffes to tak thame to thair horses and leave the toune'. Meanwhile the said bailies had taken possession of the complainer's land and goods and 'seike unto thameselffis to be judges of our lyves notwith(standing) they have schawne thameselffis as pairteis' [48]. The defendants in this case were unusual in being able to afford an advocate and appeal to the Privy Council but even in more typical cases, once the local judges had gone to the expense and trouble of obtaining a commission for trying and burning, they were unlikely to be willing to countenance an acquittal. The inevitability of the

verdict can be surmised from the speed with which the sentence was carried out. In Burntisland 1649 the accused were generally tried in the morning and executed the same afternoon. Yet as witch burnings were popular public spectacles, [49] the likelihood of an execution must have been realised some time in advance in order to give people a chance to attend, quite apart from the need to pre-arrange such practical matters as engaging the hangman and supplying the fuel.

#### The Making of a Witch

The most striking feature of those accused of witchcraft in Scotland, as well as elsewhere, is the preponderance of women. It was not only women who were accused but the proportion of male suspects could vary considerably. In a trial that had political overtones in Würzburg 1629, nearly half of those executed were male [50] while Macfarlane's study of Essex witches 1560-1680, on the other hand, found only 8% to be male [51]. The Scottish evidence analysed by Lerner using statistics from the central courts suggests male witches formed on average 20% of the total [52]; analysis of local records, including the less serious cases, reduces that figure to 9%, more in line with the results of Macfarlane's micro-study of Essex.

Men tended to be regarded as an exceptional and individual element in witch cases - Sir James Balfour stated in his Annals that on 20th July 1649 he saw a Parliamentary commission 'for trying and burning twenty-seven witches, besides three men and a boy' [53], and men were unique in being charged with witchcraft for political or religious non-conformism (four cases). Only half the men accused of witchcraft were involved in a mass case or associated with a female witch whereas two-thirds of female suspects fell into this category. Larner found that the proportion of male suspects tended to fall during mass epidemics, and suggests that if convicted witches were pressurised to name accomplices, they felt more likely to be believed if they named other women [54]. Once accused, however, men were likely to be treated neither more harshly nor more leniently than women.

Contemporaries were in no doubt as to why women were more likely to fall prey to the devil's snares. According to James VI

'The reason is easie: for as that sexe is frailer than men is, so is it easier to be intrapped in these grosse snares of the Devill, as was well proved to be true, by the Serpents deceiving of Eve at the beginning, which makes him the homelier with that sex ever since' [55].

while William Hay regarded witchcraft as

'oftener the work of women than men, because women are the weaker sex and more inclined to believe in them, anxious to do things which seem to surpass nature and

also because they are very jealous and vindictive' [56].

Such misogynist attitudes were not new. The traditions of classical literature, Judaism and early Christianity had already established the moral, mental and physical inferiority of women, and certain witch-hunting manuals, particularly the Malleus Maleficarum (1486) by Heinrich Institoris and Jakob Sprenger further developed the theme of female susceptibility to witchcraft.

Women's first supposed weakness was that of a greater carnal lust than men. As witchcraft came to mean, among other things, a sexual liaison with the devil, it was natural that women, and particularly older women and widows no longer able to fulfil their sexual needs through marriage, should be regarded as being particularly open to temptation. The link between sexuality and witchcraft can be observed in the differing male/female proportions of those accused of witchcraft and charming. Women formed 90% of those accused of witchcraft but only 70% of charmers. Nevertheless, Scottish witch-hunters placed less emphasis on the sexual nature of the pact as an explanation for women's attraction to witchcraft than many Continental demonologists. There is no evidence that Scotswomen turned to witchcraft after the initial failure of their lives as women due to frustrated or illegitimate love affairs as Baroja has argued [57],



although post-menopausal women may have been open to hostility as they were no longer performing women's major role: childbearing [58].

Secondly it was supposed that as women were weaker than men in every way, they were more likely to be tempted to use sorcery as a means of protection and revenge. Thirdly there was a rethinking of women's role and status in society and the family. As Protestants redefined the role of the wife as a helpmeet and partner with a soul equal in value to her husband's, certain ambiguities arose between this new, more enlightened view of capability and responsibility, and a continuing belief in women's supposed mental and moral inferiority and subjection to men. The resulting tensions led to a fear of independent, uncontrolled women and a reactionary movement to keep them in their place, one facet of which was the possible persecution as a witch of anyone who deviated from the ideal image of womankind [59], and who served as a visible reminder of the potential for resistance in all women. Simultaneously, on a legal level, women were being made increasingly accountable for their actions. It was a vicious circle; to some extent the perception of witches as female had been imposed, or at least reinforced by demonologists, and as more witches were discovered so the level of misogyny increased.

Witches were overwhelmingly female but there were certain categories of women more at risk than others. Age and status were very rarely mentioned in Scottish processes but circumstantial evidence would suggest most of those accused were at least middle-aged. In forty-seven of the better documented cases there was mention of the accused having acquired a bad reputation over a period of time ranging from three to forty-four years and averaging out at fifteen years. Others may have been senile and guilty of anti-social behaviour. Sir George Mackenzie characterised 'those poor persons who are ordinarily accused of this Crime ... as oftentimes Women who understand not the nature of what they are accused of' [60]. This is in line with Demos' findings for New England where he concluded that most witches were between forty and sixty, an age at which people were at their most powerful in the community. Those accused of witchcraft, however, tended to have below-average power for their age group; they were often ill-tempered, tough and resilient and came from the lower ranks in society, often being upwardly or downwardly mobile [61]. Of the handful of Fife cases which specifically mention status, fourteen were the wives or widows of a burgess or man of similar social standing, six were the wives or widows of craftsmen and three were vagabonds. The status of the vast majority was presumably not mentioned as they or their husbands were quite unexceptional. Lerner suggests most accused

witches were probably involved in small-scale tenant farming or labouring, 'they had a position in society itself albeit a lowly and often semi-dependent one, and they did not mean to drop out' [62]. James VI believed greed occasioned by great poverty was one of the principal factors tempting women to witchcraft but few, if any, of those accused appear to have been regular recipients of charity and so were unlikely to have been among the poorest members of the community. Executing a witch was not regarded as an acceptable way of reducing the poor roll.

Marital status of Scottish witches is hard to ascertain. There are no details of marital status in 78% of Fife cases, while of the remainder, 17% were married, 4% were widowed and 1% were single. According to Levack, Scotland had one of the highest incidences of married women being accused of witchcraft [63], but he fails to take into account the vast majority of cases where status is not mentioned. As there would be little need to deliberately record the fact that a woman was not married, it seems likely that a considerable proportion of the unqualified cases concerned single or widowed women. It is therefore impossible to say with any accuracy whether married, single or widowed women were most at risk.

Those associated with a known witch, whether by blood or marriage, ran only a slightly greater chance of being tarred with the same brush; in five cases the daughter of an accused witch was similarly branded, in three cases a husband and wife, and in seven cases female relatives, possibly sisters, were jointly implicated. Nevertheless when Katherine Key was accused of witchcraft in 1653, although her mother's bad reputation was alluded to, it was her own ability at cursing that particularly interested the session [64]. Poverty and age were more likely to be relevant factors than marital status or connections with a known witch, but most elderly and relatively poor women were never accused of witchcraft. What distinguished the witch from her peers was her personality and the extent to which she rebelled against her lot in life. A godly woman had little to fear; when the devil asked Alexander Drummond for his niece, Alexander replied 'I have no power off her, she is a god's soull' [65].

It was a reputation for eccentric, cantankerous and malicious behaviour that was most likely to characterise a witch rather than specific religious or moral offences such as fornication or Sabbath-breaking, offences which were of more interest to those in charge of ecclesiastical justice than the neighbours of the accused, and which involved many women who were never tainted with a suspicion of witchcraft. Witches were

slightly more likely than most women to have been in trouble with the courts. Of the thirty-eight people accused of witchcraft in Burntisland in the first half of the seventeenth century, eleven appear in kirk session or burgh court records more than once - two had been summoned for sexual offences, three for flyting and scolding and five were slandered as witches and initially acquitted. Of those eventually executed, eight had an established bad reputation while five had never appeared in court before, although a reference in the trial of Janet Brown who was executed in 1649, described her as a 'clashing (gossiping) gudene', suggesting that a bad reputation might not always achieve a formal recognition in court records [66].

Some witches seem to have been a perpetual thorn in the side of the community - Bessie Man, for example, first appeared in the records in 1603 for quarrelling with a relative, in 1611 she was slandered as a 'duche mans hure' (her two witnesses on this occasion being Helen Archibald and Isobel Gairdner who were burnt together with Bessie in 1649), in 1612 she was accused of hitting a girl and uncanny practices in throwing stones into a burn, (the evidence in this case including a woman who had heard Bessie say 'I am no witch'), and in 1625 she was called on as a witness in the trial of Elspeth Baird for illegal healing. Not surprisingly justice finally caught up with her,

although not until the mass hunt of 1649 [67].

Nevertheless it was possible to have a bad reputation in the community, be accused of witchcraft in a period of intensive witch-hunting and yet survive if those in authority chose to disregard the suspect's unpopularity. Janet Dryburgh was slandered as a witch/thief/whore in 1614, 1618 and 1619, was temporarily imprisoned in 1621 on the mass delation of six men and six women and was finally accused and vindicated in 1626 [68].

The circumstances resulting in an accusation of witchcraft must surely lie in local antagonisms, in the standing of a particular person in the community and to what extent they were regarded as an asset or a liability both by their peers and their judges, attitudes which were unlikely to be officially recorded. The type of woman whose delation was most likely to be taken seriously was probably something of a social misfit, a troublemaker prepared to be outspoken and controversial rather than conformist. She and her cronies may have formed a seventeenth-century female equivalent of the unemployed youths hanging round the street corner, a group often barely tolerated by the community and the focus of suspicion when things went wrong.

Such behaviour did not in itself constitute a proof of witchcraft but it might suggest a likely line of enquiry. The relevant factor for witchcraft was an established ability to use that venomous nature to unnatural malicious ends. There was a genuine belief that a curse uttered by a witch could have physical consequences; the alternative contemporary explanation for inexplicable personal misfortune - that the victim was being punished by God for his or her own failings - was a far less comfortable option. It was easier to transfer feelings of guilt onto someone else, and that someone was the contemporary personification of evil, the witch [69]. Someone who believed they were bewitched could ask the person they suspected to remove the curse, thus acknowledging her power [70], they could try counter-magic or they could take the witch to court, the only ecclesiastically-sanctioned measure. Nevertheless, the link between being cursed and misfortune occurring may not have been obvious at the time, there may have been no obvious suspect or it may not have been reported until the curser was under investigation for another incident. A malicious curse might then be recognised as a means of dealing with a hitherto unexplained misfortune or as a contribution towards ensuring the conviction of an undesirable member of the community. When Margaret Thomson was implicated in a witch coven in Dysart 1626, several people came forward to testify to her malicious deeds,



including one accusation of ruining a brewing four to five years earlier [71]. A witch's malison did not necessarily take the form of a specific curse, often, as in the case above, it was simply her innate quality of being evil that had dire effects on those she chose to injure. Both accused and accusers tended to be of roughly equal social status and the supposed effects of a witch's malison indicate the principal preoccupations and calamities that could befall a seventeenth-century peasant. In the sixty-one Fife cases where a reason for delation is given, 32% of witches were accused of causing a death, although this was never confused with murder, 40% of causing illness, 15% of bewitching a cow or horse, 13% of bewitching domestic or agricultural processes - brewing, milling, ruining crops or a water supply - and one case, very unusual in Scotland, of causing impotence [72]. An ability to predict the future was also regarded as a suspicious sign and once an investigation was under way witnesses might come forward to testify to other uncanny incidents [73].

There were three types of situation particularly prone to accusations of malice and cursing; the first arose from a failure on the part of the bewitched to grant charity, thus leading to possible feelings of guilt and fear of reprisals. This was not as common a cause of malice as in England, however, [74] probably due to differences in the organisation of charity in

the two countries. It is noticeable that such begging was essentially a female preserve, perhaps because women were more likely to be received favourably than their husbands, because they were the ones in charge of providing the household's food or, most likely, because those women begging were often single or widowed and partly dependent on alms for their survival.

The situation was exacerbated when the beggar showed no signs of humility or gratitude and so forsook any sympathy they might otherwise have received. Alison Dick and her husband, William Coke, present a classic example of an elderly couple often dependant on others for charity who were only too willing to curse, with seemingly dire effect on the sailing community, when their wishes were not fulfilled. William was obviously a failure and a burden to the community whom even his wife felt had been over-long living, 'it had been gude for the women of Kirkaldy, that thou had been dead ... what is this that I have been doing, keeping the this threttie years for muckle evil doing, mony pretty men has thou putten down both in ships and boats'. Alison had been accused of witchcraft in 1621 and seems to have accepted and used her reputation for cursing and witchcraft as a source of power; when Robert White struck William it was Alison who marched round to complain saying 'wherefore have ye strucken my husband, I shall cause ye rue it'. Unperturbed, Robert

replied 'What says thou, I shall give you als much, away witch', to which Janet responded with an ominous accuracy, 'witches tak ye wit, and ye grace from you'. There were certainly plenty of people on the verge of poverty in the community and at least partly dependent on charity, what finally eroded the community's patience with Alison and William was their cantankerous and malicious nature. In 1623 they had been threatened with being scourged and banished from Kirkcaldy if they did not improve and promise 'not to liv sic a vitious and licencious lyff be cursing swearing and abusing of the nychtbaris'. Even so they were tolerated until a shipwreck in 1633 unleashed a backlog of accusations and they were imprisoned and forced to confess to a demonic pact. For people such as William and Alison, being labelled a witch gave them a certain power and influence in society which their social status would not otherwise have warranted, but that unorthodox source of power could prove fatally dangerous [75].

Equally however, there were a number of cases where, unlike Essex, the accuser appears to have been less well off than the accused, and the accusation of malicious cursing may have stemmed from jealousy at someone else prospering [76], or as an attempt to avoid paying debts. Marion Grig, for example was accused by two couples, both of whom owed her 4.6d [77]. The third, and probably most common form of malicious

cursing, was rather more gratuitous, often arising out of an argument or dispute - James Keddie blamed Janet Durie for his sickness after he had injured one of her pigs, while Anna Arnot blamed Katherine Chrystie for her post-natal illness knowing Katherine was annoyed she had not been invited to the baptism [78].

According to Thomas,

'the witch and her victim were two persons who ought to have been friendly towards each other, but were not. They existed in a state of concealed hostility for which society provided no legitimate outlet. They could not take each other to law, neither could they have recourse to open violence' [79].

Moreover, it tended to be the witch who was morally in the right, and who therefore aroused feelings of guilt and resentment in her supposed victim, which could best be solved by accusing her of witchcraft. Like flyting, malicious cursing, whether explicit or implicit, was primarily regarded as a female failing; verbal threats being women's main source of power and revenge. The other, less gender-specific component of a bad reputation in the context of a witchcraft trial, was the practice of charming; twelve of the thirty known charmers who found themselves in trouble with the church were male.

## Charming

Charming or white witchcraft involved the use of sorcery by means of words, actions or objects for benevolent purposes including healing, finding lost or stolen objects and countering black magic. It was a practice deeply rooted in peasant tradition but one that came under attack with the passing of the Witchcraft Act of 1563 which ordained that

'na maner of persoun nor persounis of quhatsumeuer estate degre or condition they be of tak vpone hand in ony tymes heir efter to vse ony maner of Witchcraftis Sorcarie or Necromancie nor gif thame selfis furth to have ony sic craft or knowlege thairof ... vnder the pane of deid' [80].

The wise woman or charmer now found herself in a dangerous position, liable to prosecution for a capital offence; indeed the evidence in sixteenth and early-seventeenth century witch trials in Fife concentrated almost entirely on the accused's reputation as a healer.

Practitioners of white witchcraft could pose an even greater threat to the power of the church than those whose activities were universally regarded as evil [81], but after the initial strict application of the law charmers began to be regarded with greater leniency as the church concentrated on educating people rather than simply condemning them. Prosecutions for charming tended to follow the same pattern as for

witchcraft, but by the late-seventeenth century, when the existence of witches was coming into question, a prosecution for charming rather than witchcraft was perhaps seen as a more realistic alternative. As early as 1604 the Justiciary Court merely banished Dorothy Oliphant, a vagabond, from the Lordship of Dunfermline after she admitted deceiving people 'be formis of charmis and using of cures to sik personis as were bewichit' [82]. In 1633 the Presbytery of Kirkcaldy ruled that the appropriate punishment for charmers was public repentance [83], and in 1643 the General Assembly defined charming as 'a sort and degree of witchcraft' not meriting the death penalty, thus acknowledging to some extent the reality of rural life where the traditional healer was often the only source of medical help, some, but not all of whose methods were condemned by the church.

Professional medicine was beyond the reach of most people and there is nothing to indicate that charmers, at least in rural areas, were being hounded by the incipient male medical profession anxious to discredit any rivals; doctors tended to the middle classes, wise women were largely the resort of the poor. Common illnesses would usually be treated at home as simple medicinal knowledge was passed down from mother to daughter along with other domestic skills, but there were certain people in the community who were regarded

as particularly skilful and who could be consulted if self-help was of no avail. Some charmers acted as general practitioners, others specialised in particular ailments - three Fife healers were experts in treating the 'falling sickness' (epilepsy), Agnes Melville specialised in stomach pains while another man claimed to be able to heal scrofula by the power of his touch as a seventh son. Others used their skills on animals [84]. Some were undoubtedly genuinely knowledgeable about the uses of various herbs - Agnes Melville had learnt about medicine from a Mr John in North Berwick. A few even had access to books, although these were probably popular manuals rather than the scholarly works of contemporary doctors and magicians. When Elspeth Astone was accused of deluding sick people by giving them drinks, she replied that 'scho did nothing bot according as buikes inform hir qlk buikis scho pducit befor the session' [85]. The reputation of the most skilful could travel a considerable distance; the consulters of Thomas Greave from Cleish came from up to twenty-five miles away [86]. Others, such as Archibald Readdie, acted as travelling physicians over a certain limited area; in 1698 he appears to have been practising in Inverkeithing, Pittenweem, Anstruther, Kirkcaldy and Portmoak [87]. Yet others seem to have been opportunist practitioners picking up tips from strangers and travellers (rather than relatives) [88] and using their new-found knowledge to impress their



neighbours. George Rowane and his wife, for example, when accused of charming a child, confessed 'they used some words which a begger used them, they not knowing what it mynded' [89].

The church had no objection to certain people in the community mixing up potions and ointments for medicinal purposes, neither were they troubled about the effectiveness of such cures; the fraudulent aspect which concerned them lay in the charmer's use of semi-magical prayers or incantations, the use of unchristian objects or rituals, and the belief that the power to heal was often invested in the person of the healer rather than in the medicines themselves. Helen Reid, who was accused of charming in 1631, happily admitted to using remedies to heal but denied superstitious practices [90]. Many healers, however, even if they believed in their own abilities, were likely to add mysterious rituals to impress their patients and retain a sense of exclusiveness. Elspeth Ronaldsone cured children of epilepsy by taking them in her arms, going three times round an oak stool in the middle of the floor and muttering useless devilish words [91]. The chants used often contained elements culled from the rituals of pre-Reformation religion. Isobel Hervie used the following rhyme in 1619:

'Three bitter has the bitten Evill hart,  
evill eye, and evill tongue, Almost three  
ply But wyl be Father, Sone and Holy Ghost'  
[92].

Despite the attempts of the church to educate its flock out of practices now regarded as superstitious, the magical elements of Catholic and pre-Catholic religion proved hard to eradicate. Throughout the seventeenth century kirk sessions tried to stop people going to the old holy wells, [93] while in 1640 the Presbytery of Kirkcaldy found it necessary to order a public humiliation in Dysart 'that the weightiness of the sin [of charming] be schawen to them' [94]. Superstitious practices were a deeply engrained way of life, and at a time when even the church maintained some highly irrational beliefs in the supernatural, it was hardly surprising that the layman was unsure which practices were sanctioned by the church and which were not. When Janet Lawson was accused of consulting a wise wife, she replied she did not know she was committing a fault [95].

The wisewife played a popular and influential role in the community, but that power could be double-edged. Might not the person capable of removing a disease also be capable of imposing it in the first place? Evidence from Fife, however, would suggest that charmers were rarely accused of harmful actions; there are only two cases where the accused was charged with charming to harm someone and three of someone both putting on and taking off a disease, although there are a further twenty-five cases of witches (rather than charmers)

maliciously imposing disease without attempting to alleviate it. Special links between midwives and witches have been made [96] but this is not borne out in Fife, probably because midwives were particularly associated with cannibalistic infanticide, a practice which was absent from details of Fife sabbats. There were only two cases where women later accused of witchcraft were called to attend births or were accused of giving drinks to induce abortion.

Charming also included the offence of turning the key or riddle to recover stolen property, of which there are nine recorded cases in Fife involving four male and five female practitioners. The Presbytery of Kirkcaldy concluded in 1678 that the practice of such divination 'savoured of diabolical arts and indirect contact with Satan'. It generally involved placing a key in a Bible or psalm book, reciting the fiftieth psalm and naming all those suspected of the theft. At the mention of the culprit the key was supposed to turn over. Similar methods are still used in certain tribal societies and often the mere threat of carrying out such a test will be enough to frighten the thief into returning the property; if not, the diviner usually only confirms the consulter's own suspicions - when David Wood was accused of turning the key to find some stolen money all possible suspects were named, and 'when they lighted upon the man whom they suspected the

key turned about' [97]. Divination may have provided a cheap alternative form of justice for those who had neither the money nor the inclination to go to a court of law.

But charmers, particularly those who specialised in divining, were not always popular figures in the community as they may have known too much about its scandals, and fear of one sort or another may have caused some to delate them to the authorities [98]. One diviner in eighteenth-century Culross was delated by the man he had accused of the theft [99], but most, such as John Lister from Aberdour in 1669, were probably reported by an elder who had heard of their dubious practices [100]. Surprisingly there are virtually no cases where the charmer/healer was delated after failing to cure his patient; either the limitations of current medical practices were recognised or the patient was unwilling to admit seeking unorthodox help.

For women, in particular, a reputation for healing might have given them a more respected status in the community than they would otherwise have had. A few may have made a profitable living from their skills - Thomas Greave, for example, was paid £20 for curing a child of epilepsy in 1623 [101]. Most probably gave their help freely or for a gift in kind to supplement their meagre existence. Isobel Finlay sought a little

meat in return for practising her healing skills [102]. Others resorted to charming out of necessity. Margaret Gordonne, a gypsy with an illegitimate child, survived by travelling around showing people simple sorcery. When questioned by the minister of Wemyss, she replied that it was better 'to winne meat by words than stealing' [103]. The church's dilemma was where to draw the line between the lesser offence of charming and the greater one of witchcraft as the two often became confused. The summing-up of the evidence against Isobel Mawer, for example, included the statement that she was 'long suspected of witchcraft, sorcerie, using charms and enchantments' [104]. However, those who dabbled in unofficial healing were far more likely to be prosecuted for simple charming than witchcraft per se [105], although in a mass panic they could suffer by being among the more obvious targets for investigation. Elspeth Astone, for example, who was prosecuted for charming in 1641 and 1644, was implicated in the mass panic of 1649 in Dysart [106].

#### Attitudes towards Witches

While certain individuals, whether through fear or anger, denounced their neighbours as witches, there were a number of cases where friends or relatives risked their own safety in order to support the

accused. Husbands, in particular, seem to have shown a commendable persistence in attempting to get their wives cleared of a slander or freed from prison, despite the danger to themselves of being implicated as a fellow witch. When Marjorie Smytht was accused of witchcraft in 1575 her husband risked hardship by fleeing with her; before leaving he confided to a neighbour that 'for hym self he durst byde, bot yit his wyff feared, and thairfoir they durst not byde' [107]. Marital affection may not have been the only motive prompting husbands to secure their wife's release; not having a woman around to look after the house and children could lead to considerable difficulties, so that James Davidsone petitioned the Presbytery of St Andrews to release his wife 'he having two yong children and is impoverished' [108]. Friends could petition the authorities in a way that was denied the imprisoned witch - in March 1650 the Presbytery of Kirkcaldy was 'importunated by friends of those imprisoned in Dysart and Burntisland for witchcraft that they may be let out on caution' [109]. Relatives were more likely to rally round an accused member of the family than add to the list of accusations; Katherin Crystie was warned of her impending arrest by a relative who was in the burgh council [110]. Others neither condemned nor supported witches but simply used their services.

The Witchcraft Act of 1563 had made even the act of consulting a witch a capital offence but this does not appear to have been enforced in Fife, and by 1573 the General Assembly had decided public repentance in sackcloth was sufficient penance. Despite official disapproval, many still relied on the skills of charmers and witches and continued to consult them even when they were under investigation. At the height of the 1597 hunt, even the bailies of Pittenweem allowed one of their number to take an imprisoned warlock to visit his son whom he believed bewitched, in the hope of discovering the identity of his tormentor [111]. Men and women relied in fairly equal proportions on the services of such unofficial healers (seventeen women to twenty-two men) and did not appear to differentiate particularly between male and female healers.

Women did not bond together to thwart the intentions of the male-directed witch-hunt, but figured almost as prominently as men in bringing forward examples of maleficium (twenty-five women to thirty men). They did not recognise the witch-hunt as discriminating against women but accepted the clerical view that women's failings made them more prone to temptation. They may have accused other women because of a genuine fear of malicious cursers, because of personal jealousies and rivalries, or to prove their own conformity and divert suspicion away from



themselves. When Annaple Watson ran into the gypsy who had initiated her into sorcery a year earlier, she asked the bailies to apprehend and ward her [112]. Women such as Margaret Wobster from Kennoway who agreed she had quarrelled with Helen Small, an accused witch, but who attributed her subsequent illness to the hand of God rather than the said Helen, were rare indeed [113].

The church's attitude towards witches often comes across as lacking in humanity; the accused was regarded as an enemy of God rather than a fellow human being, so that exhaustive questioning and ill-treatment was regarded as permissible. Such behaviour generally stemmed from a genuine religious belief in its necessity in order to save the witch's immortal soul and cleanse the land of all God's enemies. Alexander Brodie of Brodie, who was one of the commissioners at a trial in Forres in 1663 prayed that 'we may not doe our own work, nor follow ani base passion or blind zeal of our spirits'. The women were found guilty but Brodie was much perturbed that they would not 'open ther hart to giv God glori and confess ther sins ... Oh! let the Lord glorifi himself, bring down this kingdom of Sathan, and deliuer us' [114]. Not all churchmen or judges were so fanatical or unsympathetic; when Elspeth Seith was accused of witchcraft the presbytery requested the magistrates at Cupar to imprison her, but

to 'permitt no body to offer violence to hir' and, furthermore they felt the thieves' hole was not a suitable prison for her [115].

Attitudes towards accused witches ranged from the unqualified support of some relatives and friends to the inhumane treatment meted out by some officials in the course of their duty. Most of the community probably remained neutral, tacitly condemning the victim; a few might risk consulting her, most kept quiet. They may not have added to the official list of delations, but neither did they do anything constructive to help her.

Finally we come to the question of the witch's own reaction to her denunciation. The initial response was naturally denial, although there were two incidences of self-confession in the panic of 1649; both women later recanted however, and, according to the Presbytery of Cupar, 'seemed to dissemble and feign madness' once they had realised the consequences of their action [116]. Some women, like Marion Hendersoun from Inverkeithing, voluntarily requested to be tried as a chance to clear their name of any aspersion [117]. Such women obviously believed they had nothing to fear, but repeated questioning and the exhortations of the ministers may have led to such confusion that they were no longer sure of the truth. Janet Anderson was not even in custody when she began to evince some doubt

about her absolute innocence and confessed 'it might be that her spirit zeid forth out of her when she did not know of it' [118].

Confessing to a demonic pact meant almost certain execution yet women did not only confess due to torture. Death might seem a release to people like Margaret Garvie and Barbara Horniman from Falkland who were imprisoned for six weeks 'in great miserie and in a most lamentable condition, which makes their lyves a burden to them' [119]. Those who, like the woman mentioned by Sir George Mackenzie, were without friends and a secure position would have been the most likely to confess. She

'being a a poor creature, who wrought for her meat and being defam'd for a witch, she knew she would starve, for no person thereafter would either give her meat or lodging, and that all men would beat her, and hound Dogs at her, therefore she desired to be out of the World' [120].

A few may genuinely have come to accept the truth of their statements.

While some accused witches undoubtedly did practise magic of one form or another (archaelogical evidence includes voodoo-type effigies), the demonic pact and the sabbat had no reality other than in the minds of the accused, their prosecutors or both. Details of the demonic pact whereby the witch 'bargondit wt Satan ... and to habe taken on to his serbant and have kept sebl1 meittings wt hym and to

habe renuncit [her] baptisme' [121] were only obtained under duress, and such confessions reveal a remarkable similarity. Accused witches did not let their imaginations run riot but, prompted by leading questions, drew on preconceptions partly evolved by theologians, philosophers and lawyers, partly from traditional peasant magical beliefs, and disseminated through sermons and confessions read out at executions [122].

Of the twenty-three Fife cases containing details of Satanic meetings, all took place at night; fourteen were held outdoors, including a harvest field, a moor and an old close, one was held in the tolbooth and the remaining eight in the house of one of the witches. Fife sabbats seem to have been rather tame affairs compared to those on the Continent. Confessions reveal no cannibalism or great orgies [123] but fairly simple, pleasant evenings spent drinking, eating and sometimes dancing. There is nothing to suggest witches were persecuted due to a specific fear of all-female or plebeian gatherings on the part of their prosecutors, but the church did legislate against disorderly merry-making in general, [124] and such repression is reflected in these confessions. The devil generally appeared as a rather unprepossessing 'meikle black man', occasionally as a dog or other animal, who promised little in return for eternal damnation.

Popular conceptions of the devil, as depicted in Scottish witchcraft trials, changed in line with contemporary changes in educated demonology. Alison Peirsoun's confession in 1583 owed much to traditional pre-Christian beliefs and folklore. She had happy associations with the Queen of Elfland and her fairies, who promised her she should never want if she were faithful to them [125]. After the North Berwick trials in the 1590s Elfland was transformed into a Christian concept of hell presided over by Satan. Demonologists and judges formulating conceptions of the demonic pact had no desire to make the devil seem too attractive; often his promises proved illusory and the witch found herself duped into becoming the devil's slave. Learned medieval magicians had been regarded as the devil's masters, but as the stereotype of the witch became associated with poor ignorant women so the relationship altered. As James VI put it 'Witches are servants only, and slaves to the Devil; but the Necromancers are his masters and commanders' [126]. The Calvinist devil promised little more than freedom from want and perhaps a little sympathy. Margaret Williamson confessed the devil came to her in the shape of a man who sympathetically asked, 'Why sitt yow so sad lyk?' He promised that if she did his bidding he could get a herring for her fire and she would be spared many sore trials [127]. The scant details of Satanic meetings reveal simple village women with a yearning for a

little jollity to enliven the harshness of their assigned lot in life.

Erikson argues that 'the very fact that a group expresses its concern about a given set of values often seems to draw a deviant response from certain of its members' [128] so that some labelled witches like Alison Dick of Kirkcaldy risked staying in the community where they were known, accepted the label, and used it as a source of power to extol favours or exact revenge. Some no doubt genuinely came to believe they had unusual powers and attributed coincidental accidents to their own influence. Some believed it was God rather than the devil who was exacting revenge on their behalf. When Elizabeth Dick was refused alms at Anstruther mill she sat down and said 'God habe an care of me for my heart is louping'. When the meal then turned red she regarded it as a sign that God was supporting her [129]. A few may even have been quite irreligious; one anonymous witch said she did not care whether she went to heaven or hell [130]. Whatever their own beliefs, others certainly came to recognise them as having unusual powers and propitiated them as appropriate [131].

The witch personified a negative image of the seventeenth-century female according to male standards. She was typically outspoken, independent-minded and quarrelsome, something of a social misfit although not

without her own like-minded cronies. Her unorthodox behaviour made her a focus for the suspicions and fears of the community. Only once her power was seen to be illusory did the fear subside. In effect the witch acted as a scapegoat for the problems of the community and the state, whose persecution could act as a ritual purification of society.



### The Witch-Hunt - Notes

1. G. Neilson, ed., 'A Sermon on Witchcraft in 1697 by James Hutchison', SHR 7 (1910), 390-399, p.391.
2. B. Levack, The Witch-hunt in Early Modern Europe (London 1987) p.21.
3. Space does not permit a detailed summary of the general causes of the European witch-hunt. The clearest resume of current research will be found in Levack, Witch-hunt, chs.2-5.
4. Larner, Enemies of God, p. 63.
5. Ibid., p.82 and graph on p.61 showing the episodic nature of the Scottish witch-hunt.
6. StAUL/23/2, 27.5.1647.
7. StAUL/23/1-4 (St Andrews Presbytery 1585-1605, 1641-87, 1693-1709)  
SRO/CH2/82 (Cupar Presbytery 1646-60, 1693-1702)  
SRO/CH2/224 (Kirkcaldy Presbytery 1630-53, 1688-1704)  
SRO/CH2/105 (Dunfermline Presbytery 1647-72, 1689-91, 1696-1704)  
Unfortunately there are considerable gaps in the surviving records, most noticeably in the absence of any minutes covering the panic in the 1620s. Surviving kirk session minutes were also examined, particularly in peak years - see Bibliography.
8. StAUL/23/2, 25.9.1644.
9. W. Ross, Aberdour and Inchcolm (Edinburgh 1885), p.329.
10. M.J. Thorpe, ed., Calendar of the State Papers relating to Scotland preserved in the State Paper Department of Her Majesty's Public Record Office 1509-1603 (London 1858) vol II, p.739.
11. E. Henderson, Annals of Dunfermline (Glasgow 1879), p.297.
12. John Spalding, The History of the Troubles and Memorable Transactions in Scotland and England from 1624-1645, 2 vols Bannatyne Club (Edinburgh 1824), II, p.151.
13. This correlates with the situation on the continent where the persecution of heretics was seen as an alternative to witch-hunting as a means of ridding the country of undesirables. Levack, Witch-hunt, p.10.

14. A stewartry was an area under the jurisdiction of a steward who 'in a strict sense signified a magistrate appointed by the king over special lands belonging to himself, having the same proper jurisdiction with that of a regality.' The name also applied occasionally and loosely to the deputy of a Lord of Regality. The Scottish National Dictionary (Edinburgh 1974), vol 9, pp.34-35.
15. Ross, Aberdour and Inchcolm, p.329.
16. A. Young, History of Burntisland (Kirkcaldy 1924), p.131.
17. It has been shown that the people who made accusations against the witches in Salem, New England, clung desperately to a strict Puritan set of social and moral values while those who were accused often represented a new secular, commercial elite. Levack, Witch-hunt, p.101.
18. Women were also particularly active in the grain and patronage riots in the eighteenth century in the coastal areas. K. Logue, Popular Disturbances in Scotland 1780-1815 (Edinburgh 1979), pp.199-203.
19. StAUL/23/2, 7.2, 21.2.1644.
20. StAUL/23/1, 15.7.1597.
21. Ibid., 1.9.1597.
22. See G. Gilmore, 'Witchcraft and the Church in Scotland subsequent to the Reformation' (Glasgow PhD 1948).
23. RPC, 1st series 13, p.620.
24. Fleming, St Andrews K.S., p.882.
25. Some American evidence has linked witch-hunting with parishes where the minister was in dispute with a certain group of parishioners and used the accusations to get back at them. J. Demos, Entertaining Satan; Witchcraft and the Culture of New England (Oxford 1982) but no evidence of this has been discovered so far in Scotland. Levack has argued that the great Scottish witch-hunt of 1661-62 was initiated by the Earl of Haddington whose tenants were threatening to leave his land unless he did something about the witches there. B. Levack, 'The Great Scottish Witch-hunt of 1661-1662', Journal of British Studies, 20:1 (1980), 90-108, p.98.

26. According to Webster's Census of 1755 the population of Fife was 80,970. J. Sinclair, ed., The Statistical Account of Scotland 1791-1799 (E.P.Publishing: reissue 1978), 10 (Fife).
27. See Levack, Witch-hunt, pp.21-22.
28. D.Cook, ed., Annals of Pittenweem: being Notes and Extracts from the Ancient Records of that Burgh 1526-1793 (Anstruther 1867), p.49.
29. According to conscription lists for 1645, Burntisland was to supply 16 men and Inverkeithing 10. If one man was conscripted for every 60 souls [R. Chambers, Domestic Annals of Scotland (Edinburgh 1874), II, pp.162-63] this would give a rough population estimate of 960 for Burntisland and 600 for Inverkeithing.
30. Calculations based on Webster's census for 1755 and an assumption that women would form just over half the population.
31. A. Howland, ed., Materials toward a History of Witchcraft collected by H.C. Lea (Pennsylvania 1939) 3 vols, III, p.1187.
32. K. Erikson, Wayward Puritans: a study in the sociology of deviance (New York 1966), pp.22-23.
33. Ibid., pp.22-23.
34. The process of prosecution is dealt with in detail in Lerner, Enemies of God, ch.9 and Gilmore, 'Witchcraft and the Church'.
35. See Cook, Annals of Pittenweem, pp.109-30 and G.Sinclair, Satan's Invisible World Discovered [1685] (Edinburgh 1871), pp.257-60, xlviii-xci. There was one other case involving demonic possession - in Ceres 1699 - when an 18-year old boy accused Bessie Winton of causing his fits after she had told him off for bad language and disrespect to the minister. Unlike the minister at Pittenweem, a very sceptical Cupar presbytery presumed the boy was simply dreaming and ordered Bessie to be absolved of the scandal. SRO/CH2/82/1, 14.2-22.8.1699. For an account of demonic possession in New England see C.Karlsen, The Devil in the Shape of a Woman: Witchcraft in Colonial New England (New York 1987), ch.7.
36. RPC, 1st series V, pp.405-06.
37. GRO/OPR/422/1, 4.6.1649.

38. SRO/CH2/82/1, 14.1.1649.
39. SRO/CH2/365/1, 2.4, 9.4.1654.
40. Ross, Aberdour and Inchcolm, pp.325-28.
41. Larner, Enemies of God, p.118 (Extract from the Register of the Presbytery of Dunfermline 1649).
42. W.Stephen, Inverkeithing and Rosyth, pp.438-39.
43. Sinclair, Satan's Invisible World, p.lxxiii-lxxiv.
44. For a detailed account of the witch-pricker, see W.Neill, 'The Professional Pricker and his test for Witchcraft', SHR 19 (1922), 205-213.
45. Geillis Gray, Crail 1598 (Fleming, St Andrews K.S., p.882) and Helen Eliot, Culross 1684 (Sinclair, Satan's Invisible World, p.207-8).
46. Larner, Enemies of God, p.118 (Extract from the Register of Dunfermline K.S.)
47. D.Beveridge, Culross and Tulliallan (Edinburgh 1885), p.290.
48. RPC, 2nd series, VIII, pp.101-03.
49. Larner, Enemies of God, p.113.
50. Howland, Materials toward a History of Witchcraft, III, p.1188.
51. Cited in N.Cohn, Europe's Inner Demons: An enquiry inspired by the great witch-hunt (London 1975), p.248.
52. Larner, Enemies of God, p.91.
53. J.Campbell, Balmerino and its Abbey (Edinburgh 1867), p.389.
54. The Scottish evidence contrasts with the situation in North America and elsewhere where men were more likely to be implicated in mass hunts when the supply of obvious suspects dried up. Levack, Witch-hunt, p.125, or by association with a female witch, Karlsen, Devil, pp.47-49.
55. Larner, Enemies of God, p.93.
56. W.Hay, Lectures on Marriage, J.Barry, ed., Stair Soc 24 (Edinburgh 1967), p.125.

57. Quoted in E.Monter, ed., European Witchcraft (New York 1969), p.156.
58. Karlsen, Devil, p.71.
59. This argument has been most fully developed by Karlsen using evidence from seventeenth century New England, where changes in, and reaction to the economic, religious and sexual role of women were most visible. Ibid., chs.5-6.
60. Mackenzie, Works, p.45.
61. Demos, Entertaining Satan; pp.68,91.
62. Larner, Enemies of God, p.90.
63. Levack, Witch-hunt, p.131-32.
64. Katherine Key, Newburgh 1653. A.Laing, Lindores Abbey and its Burgh of Newburgh (Edinburgh 1876), p.223.
65. SRO/CH2/390/1, 10.2.1630.
66. SRO/B9/11/10, 18.7.1649. Macfarlane's study of Essex witches found that although they were often thought of as quarrelsome and unpleasant people, they were not usually accused of other offences. A.Macfarlane, 'Witchcraft in Tudor and Stuart Essex' in J.Cockburn, ed., Crime in England 1550-1800 (London 1977), 72-90, p.81.
67. SRO/CH2/523/1-2, 17.7.1603, 11.8.1611, 14.6.1612, 11.9.1625, 31.7.1649.
68. Ibid., 5.6.1614, 15.2.1618, 22.8.1619, 19.8.1621, 1.6.1623, 19.11.1626.
69. The prevalence of the fear of being bewitched may have been much greater than evidence in court records would suggest. The English astrologer, Richard Napier, dealt with over 120 cases of suspected betwitching 1600-34, none of which appeared in judicial records. K.Thomas, Religion and the Decline of Magic: Studies in Popular Beliefs in sixteenth and seventeenth century England (London 1971), p.148-49.
70. See for example GRO/OPR/443/1, 23.6.1644, where Margaret Forret found herself choking after quarrelling with Jonat Wylie. No-one could help her until she sent three times for Jonat who pulled out a bone no-one else had seen.



71. SRO/CH2/390/1, 2.5, 6.6, 16.6, 19.12.1626.
72. SRO/CH2/390/1, 16.9.1628.
73. See for example the catalogue of uncanny behaviour levelled against Katherine Thomson in Largo 1643 who was, however, acquitted of witchcraft. GRO/OPR/443/1, 3.9.1643, 26.5, 14.4, 14.7.1644.
74. Macfarlane, 'Witchcraft in Tudor and Stuart Essex', p.85.
75. Sinclair, Statistical Account, pp.807-16.
76. Katherine Thomson for example (see fn.72) appeared to be a relatively prosperous married woman with at least one servant who was accused of causing her neighbours' decline in prosperity after they sent back a pint of ale.
77. Stevenson, Presbytrie Booke of Kirkcaldie, pp.131-32.
78. Ibid., pp.135-36 and SRO/CH2/365/1, 11.7.1630.
79. Thomas, Religion and the Decline of Magic, p.669.
80. APS, II, p.539.
81. Thomas, Religion and the Decline of Magic, pp.305-06.
82. L.McBean, ed., The Kirkcaldy Burgh Records 1562-1907 (Kirkcaldy 1908), p.154.
83. Stevenson, Presbytrie Booke of Kirkcaldie, p.62.
84. See for example Elspet Mackie, Dysart, SRO/CH2/390/1, 5.4.1625.
85. SRO/CH2/523/1, 13.4.1641.
86. Chambers, Domestic Annals, I, p.540.
87. SRO/CH2/224/3, 28.4, 30.6, 20.8.1698 and StAUL/23/4, 26.3.1698.
88. The only case of related charmers seems to be that of 'the man of Kilbuck-Drummond' and his mother. SRO/CH2/592/1, 1.10.1643 and Beveridge, Culross and Tulliallan, I, pp.237-39.
89. Beveridge, Culross and Tulliallan, I, p.214.
90. SRO/CH2/472/1, 12.2.1631.

91. SRO/B9/11/10, 2.10.1649.
92. J.Campbell, The Church and Parish of Kirkcaldy from the Earliest Times till 1843 (Kirkcaldy 1904), p.166.
93. See for example Beveridge, Culross and Tulliallan, I p.189.
94. Stevenson, Presbytrie Booke of Kirkcaldie, p.178.
95. Ibid., p.117.
96. J.Klairs, Servants of Satan: The Age of the Witch-hunts (Indiana 1985), pp.94-103.
97. Stevenson, Presbytrie Booke of Kirkcaldie, p.295.
98. Thomas, Religion and the Decline of Magic, p.290.
99. Beveridge, Culross and Tulliallan, II, p.111.
100. Ross, Aberdour and Inchcolm, p.385.
101. P.Hall, The Kirk of Cleish 1208-1928 (privately printed 1937), pp.50-51.
102. SRO/CH2/390/2, 20.8.1643.
103. SRO/CH2/365/2, 29.2.1656.
104. RPC, 2nd series, VI, p.246.
105. Only 11 witchcraft trials after c.1600 mention charming.
106. SRO/CH2/523/1, 7.1.1644, 30.9, 13.11.1649.
107. Fleming, St Andrews K.S., p.416.
108. StAUL/23/2, 25.9.1644.
109. Stevenson, Presbytrie Booke of Kirkcaldie, p.350.
110. RPC, 2nd series III, p.619.
111. StAUL/23/1, 2.6.1597.
112. SRO/CH2/365/2, 29.2.1656.
113. Kinloch, Selections from the Minutes of the Presbyteries of St Andrews and Cupar p.131.
114. Diary of Alexander Brodie, pp.295-96.



115. Kinloch, Selections from the Presbyteries of St Andrews and Cupar, p.168.
116. Ibid., pp.129, 143.
117. Stephen, Inverkeithing and Rosyth, p.439. Delcambre's research on Lorraine showed that some witches willingly submitted to torture believing God would uphold them if innocent. Monter, European Witchcraft, pp.95-96.
118. Ross, Aberdour and Inchcolm, pp.325-28.
119. RPC, 3rd series, I, p.152.
120. Mackenzie, Works, II p.87. He also wrote of the danger of witches confessing because of melancholia due to long, harsh imprisonment (p.86).
121. Ross, Aberdour and Inchcolm, p.329-30. Scottish witchcraft was like continental witchcraft in this respect; in England witches tended to act individually and their contact with the devil was through an imp or familiar rather than through personal meetings.
122. See Levack, Witch-hunt, pp.25-26, 32-35, 52-53.
123. Larner suggests that the lack of detail on the sexual relationship reflects the sexually repressive culture of early-modern Scotland where control over such behaviour was exercised directly on fornicators etc as such. Larner, Enemies of God, pp.148-49.
124. See for example, the church's attempts to limit numbers at penny weddings.
125. Pitcairn, Criminal Trials, I, pp.161-65.
126. Quoted in Levack, Witch-hunt, p.35.
127. SRO/CH2/365/2, 13.11.1655.
128. Erikson, Wayward Puritans, p.20.
129. SRO/CH2/625/2, 15.4.1701.
130. C.Lyon, History of St Andrews (Edinburgh 1843), pp.388-89.
131. As late as the nineteenth century sailors in Newburgh would propitiate a reputed witch with presents before sailing. Laing, Lindores Abbey, p.381.

## LOVE, SEX AND MARRIAGE

### Illicit Sexual Activity

#### The Social setting

The post-Reformation church was not new in condemning all forms of non-marital sexual activity but its system of parish courts and testimonials probably made it considerably more effective in controlling the lives of its congregation than its medieval predecessor. The church was motivated primarily by a desire to establish a conformist godly state, but the social problem of providing for impoverished illegitimate children helped secure secular support. Court records inevitably accentuate marriage failure and liaisons condemned by society, but the reactions of defendants and witnesses, as well as prosecutors may, by extension, indicate what was considered normal or desirable in relationships with the opposite sex. To what extent those appearing before the kirk session were regarded as deviant by their peers as opposed to their superiors, is hard to tell. It is, however, noteworthy that people were generally only cited when an advanced state of pregnancy made the offence obvious to the local elder. Elders were also on the look-out for such suspicious signs as unmarried couples going off alone together for walks or shutting doors behind them. Elizabeth Scot, for example, received James

Thrislay alone in her house at night closing the door behind them 'quharby it is understand and sufficiently supportit that the said Elizabeth hes geven hyr body to the said James [1]. Given the cramped and communal living conditions and the power of gossip, it would have been extremely difficult for a couple to hide their relationship from the community for long, but voluntary delations by neighbours were rare. Amorous couples were only, although not necessarily, reported if they transgressed the moral limits set by the community - seemingly extra-marital affairs or particularly advenitious non-marital affairs, but rarely including simple fornication - the same moral limits as were popularly imposed in England by the custom of charivari.

According to an Act of St Andrews Kirk Session in 1587, heads of households had a duty to report any harlotry under pain of a 40/- fine, but only one master appears to have taken heed of this order [2]. Occasionally, remiss masters were ordered before the session; in 1588 Margaret Small's master and his wife were rebuked for not revealing their servant's fornication [3]. Parents too, sometimes found themselves in trouble for harbouring a pregnant daughter - Janet Brown was warned in 1598 not to receive her daughter, who had been banished from St Andrews for fornication [4].

Before embarking on a statistical analysis of rates of fornication, adultery and illegitimacy, it is essential to emphasise that the ensuing results and percentages can only be regarded as a rough indication of what was happening, rather than a precise record of actual incidents. Apart from gaps in the surviving registers, the thoroughness with which clerks noted events could vary considerably and under-recording of offences was often just as probable a cause of low figures as under-reporting or genuine moral reform. Furthermore, generally only intercourse which resulted in pregnancy was prosecuted as fornication, less obvious cases came under the category of scandalous carriage and, considering the limited statistical chances of conception resulting from a single act of intercourse (probably less than one in fifty), the amount of illicit sexual activity prosecuted by the church courts could only have touched the tip of the proverbial iceberg [5].

Sexual offences formed a major part of the business coming before the church courts. Of the 847 cases which came before St Andrews Presbytery 1585-1705 (with lacunae from 1605-41 and 1687-93), 58% were concerned with sexual misdemeanours. The second largest category, which included recusancy, conventicling and other deviations from religious orthodoxy, comprised only 14% of the total and was,

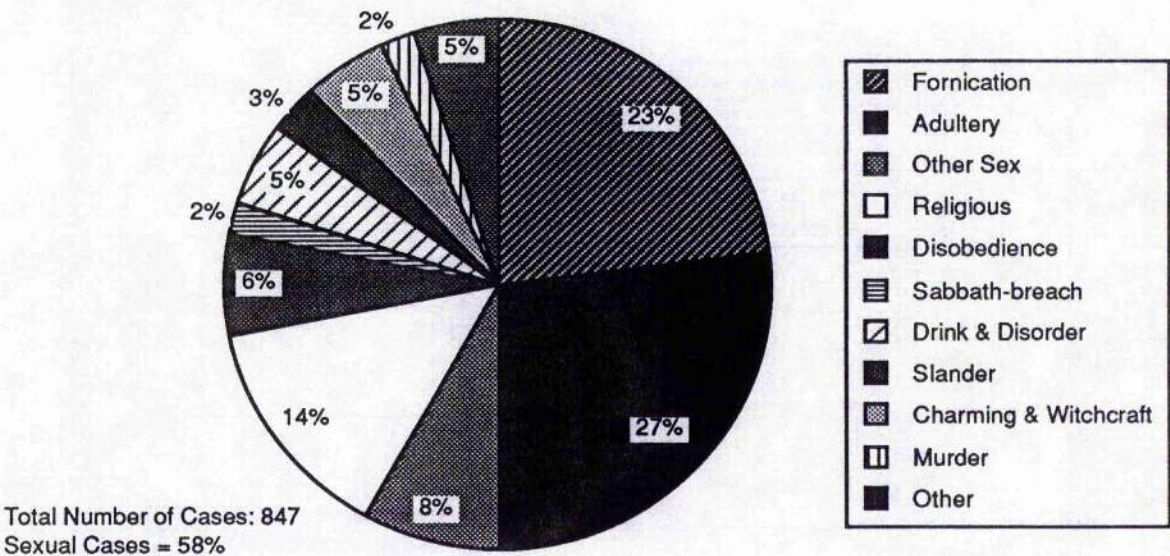
moreover, largely concentrated on the campaign against irregular baptisms and marriages in 1677-79 [6]. [See Figure 3, p.128]

The presbytery's jurisdiction in sexual offences was largely concerned with adultery, which accounted for 27% of the total business (230 cases), and the more complicated cases of fornication, which accounted for 23% (191 cases). The overall level of business remained relatively constant throughout the period, declining gradually after the Restoration, although there were surprisingly erratic annual variations and a few years of abnormally high activity occasioned by alarm over witchcraft, religious orthodoxy or general moral standards. The number of sexual cases tended to rise and fall in line with the general trend until the later seventeenth century, when they came to assume a greater percentage of the presbytery's business, although the actual number of cases, particularly adultery, was gradually diminishing. [See Figure 4, p.130]

The kirk session dealt mainly with simple cases of fornication, although its importance in their list of concerns could vary widely according to parish and year. In Ceres 1644-79, sexual offences accounted for 27% of cases, but if we isolate certain years within that period the picture alters considerably. In 1649-58 they comprised 15% of the business, comparable



**FIGURE 3**  
**St. Andrews Presbytery Cases 1585-1705**

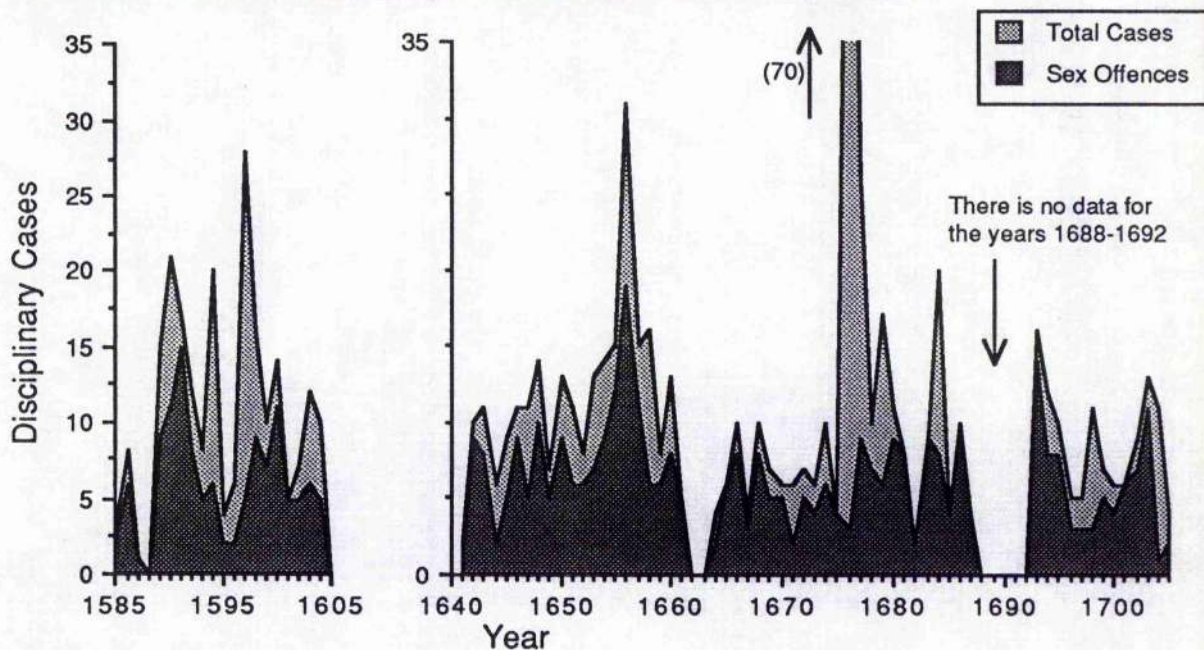


to Auchtermuchty's 11% in the same period while from 1666-79 they accounted for 85% comparable to contemporary Dunbog's 76%. [See Figures 6a-f, pp.131-132] The fall in numbers appearing in Ceres from 1663 onwards coincides with the deposition of the staunchly Presbyterian minister, Mr William Row, and his replacement by a more moderate man, Mr Alexander Leslie in 1667. Such changes, however, were not confined to specific parishes but were generally symptomatic of more universal changes in the church's ideology and priorities. [Compare Figures 4 and 5, p.130 to see how the level of disciplinary cases in Ceres paralleled that of the presbytery as a whole] From the late-seventeenth century onwards, as the perceived notion of the church's disciplinary function altered, and the roles of lay and ecclesiastical jurisdictions became more sharply defined, the kirk's disciplinary actions focussed increasingly on sexual offences; by the eighteenth century Sabbath-breakers, drunkards and scolding wives were rarely to be found among the ranks of those hauled up before the session. In Ceres 1745-49 only four such offences are recorded, compared to thirty-one sexual transgressions, while by 1775-79 there was only one non-sexual offence.



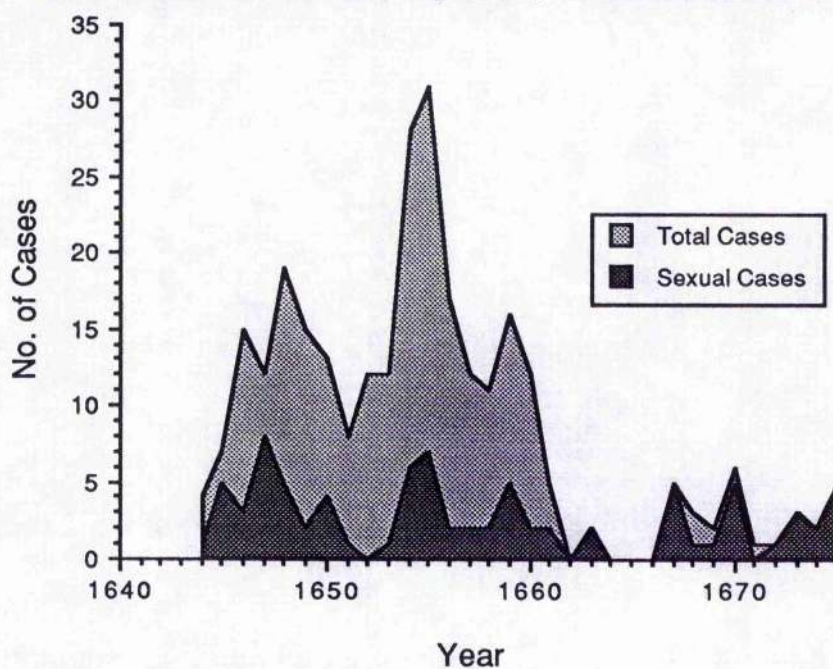
**FIGURE 4**

**Presbytery of St. Andrews: Disciplinary Cases 1585-1705**



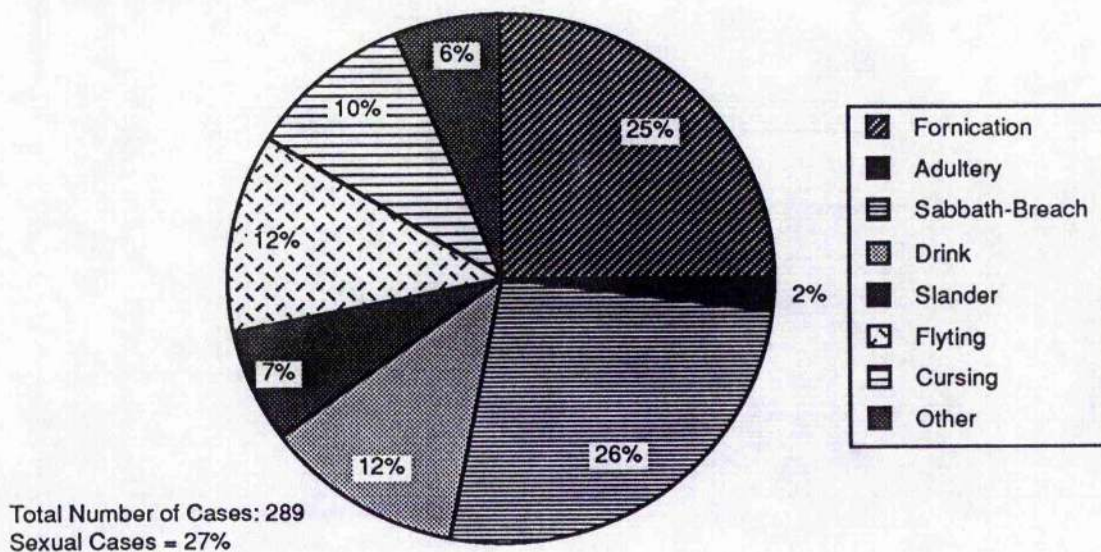
**FIGURE 5**

**Ceres Kirk Session: Disciplinary Cases 1644-1679**

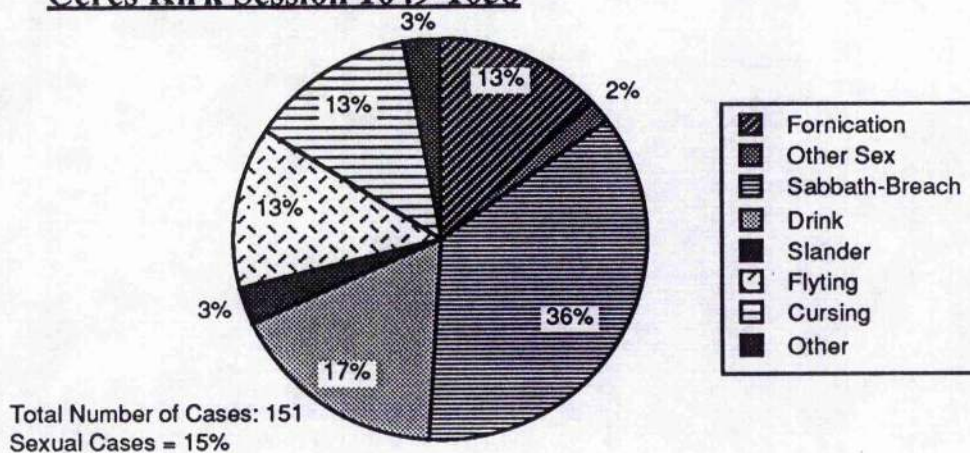




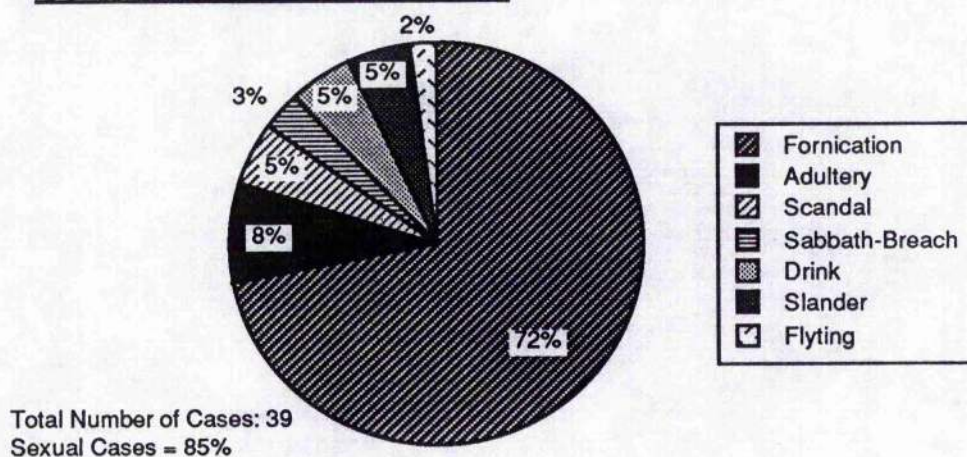
**FIGURE 6a**  
**Ceres Kirk Session 1644-1679**



**Figure 6b**  
**Ceres Kirk Session 1649-1658**

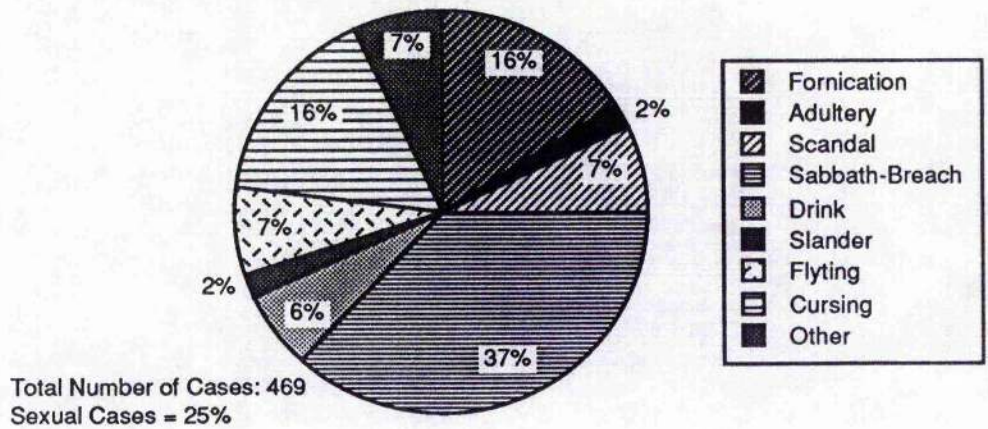


**FIGURE 6c**  
**Ceres Kirk Session 1666-1679**

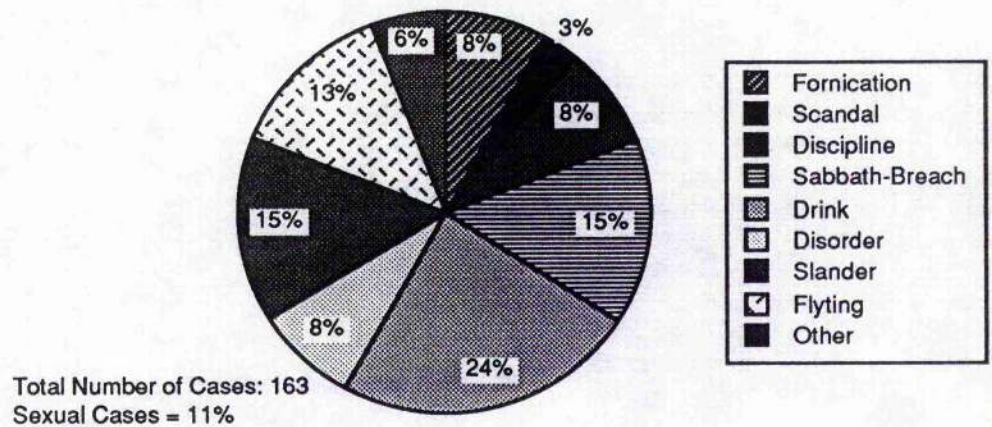




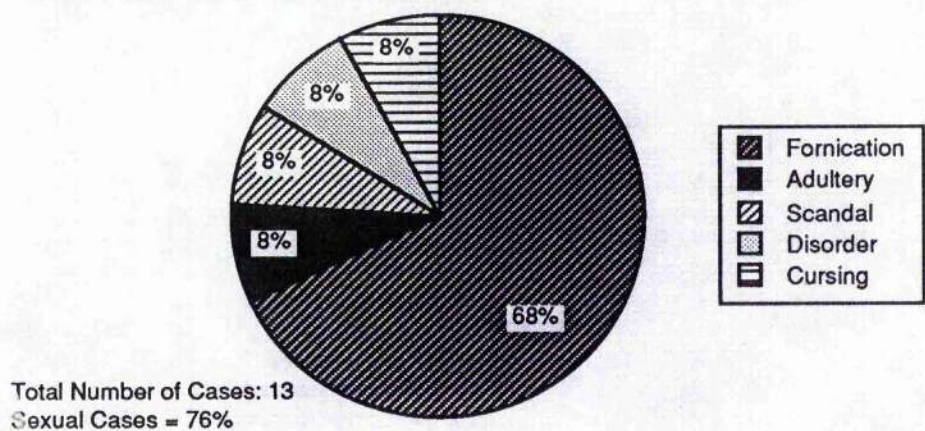
**FIGURE 6d**  
**St.Andrews Kirk Session 1645-1650**



**FIGURE 6e**  
**Auchtermuchty Kirk Session 1649-1658**



**FIGURE 6f**  
**Dunbog Kirk Session 1666-1679**



Although we do not have reliable pre-Reformation figures for comparative purposes, it seems likely that after a sluggish start there was a fairly dramatic reduction in offences in the late-sixteenth century, followed by a gradual decline thereafter, probably stabilising shortly after the Restoration. According to St Andrews Presbytery, adultery seems to have declined from an average of seven cases per annum 1590-95 to two per annum 1700-05. [See Figure 7, p.135] Fornication (including pre-marital cases) rose in the parish of St Andrews from an annual average of nine cases in the decade after the Reformation to twenty-seven per annum in the 1580s and generally declined thereafter. [See Table 8, p.137] While there was a reasonable chance of a lusty young person appearing before St Andrews Kirk Session in the 1580s, when there was an average of forty-nine sexual offenders a year out of an adult population of c.2,000 [7], this had declined to an average of seventeen offenders per year by the 1770s in a population which had increased by about a third. To some extent the supposed level of fornication might simply reflect the vigour with which kirk sessions pursued offenders. Periods with lower levels of fornication are often more likely to be the result of reduced vigilance on the part of the session, rather than a wider acceptance of the church's teaching, although the exceptionally low levels in St Andrews in the early 1590s are, as

Geoffrey Parker points out, likely to be a result of a particularly determined kirk session making fornication too expensive to risk [8]. Furthermore, the determined Presbyterian effort to create a godly state in the 1640s and 1650s probably resulted in a long-term lowering of the illegitimacy ratio. In Ceres, for instance, the illegitimacy ratio stood at 8.7% in 1644-60, but had been more than halved by 1660-75 to 4.2% [9]. Although the decline in adultery figures could be a result of the church's hard line on sexual morality backfiring, with people less willing to report suspicious adulterous behaviour which, if proven, would result in a long drawn-out repentance for the culprits, it is more likely to reflect an increasing acceptance of the church's teaching on marital fidelity [10].

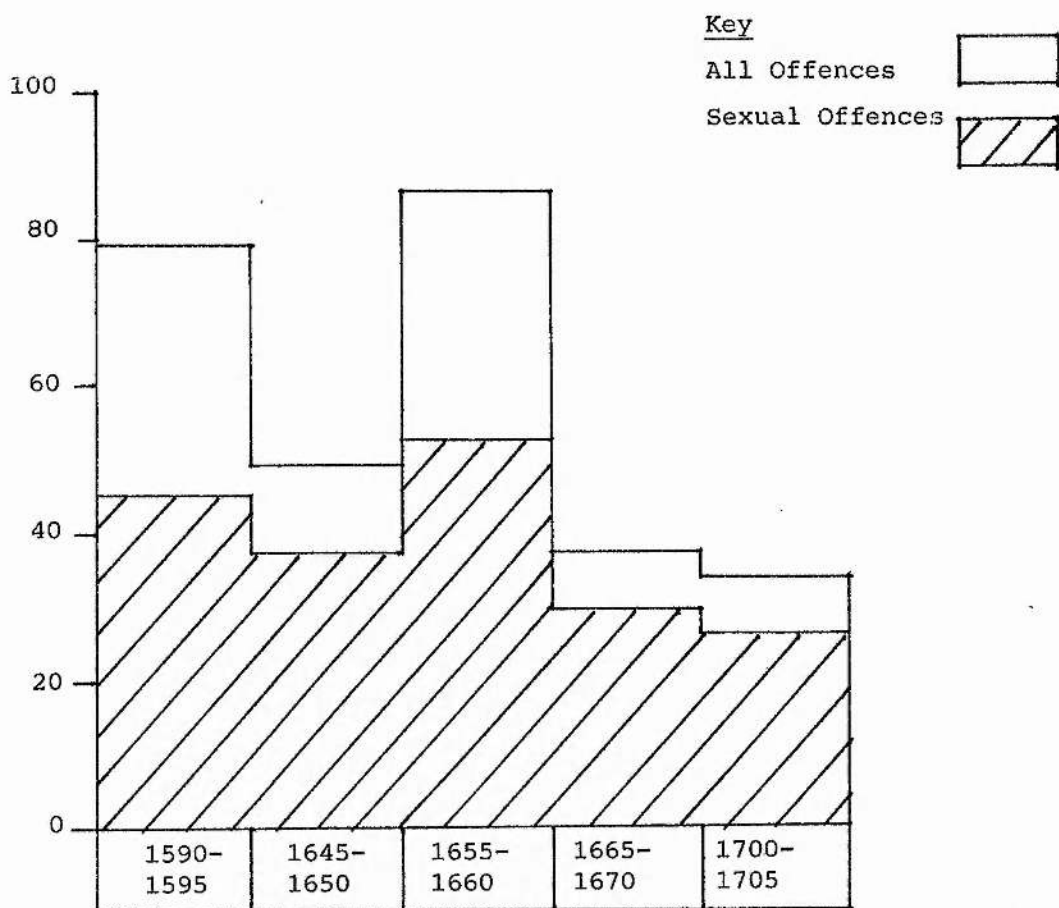
Yet despite the vigour with which the Scottish church pursued sexual offenders, the level of illegitimacy remained slightly higher, on average, than that prevailing in contemporary England. Laslett, and other English historians, calculated the English illegitimacy ratio to be about 3% in the late-sixteenth century, declining to 1.5% by the late-seventeenth century. In comparison, the Scottish illegitimacy ratio, even by the mid-eighteenth century, was still at 5%, although certain Lowland areas, notably Fife, had levels approaching those of England [11]. However, if we take pre-marital fornication into account, there was

FIGURE 7

Sexual Offences: St Andrews Presbytery, Selected Five-year

Periods 1590-1705

Number of  
Offenders



Years	Fornic.	%	Adult.	%
1590-95	11	14	33	42
1645-50	13	25	18	35
1655-60	19	22	26	30
1665-70	13	35	15	41
1700-05	16	35	10	22



considerably less illicit sexual behaviour in Scotland than in seventeenth-century England. Alan Macfarlane calculated that in Earls Colne, Essex in the 1580s, there were approximately twelve sexual offences per annum, in a population of approximately 1,000-2,000. In comparison, contemporary St Andrews, with a population more than three times as large had only twenty-five such offences per annum, while Ceres 1644-75, with a population twice the size had only two to three cases [12]. According to Hair, at least a fifth of English brides were pregnant by the time they reached the altar, [13] whereas in Scotland, despite the law legitimising pre-marital births, the level was much lower, perhaps due to the greater determination of the Scottish church to punish pre-marital fornication as a sin. In Ceres, 3.3% of births 1644-60 were conceived before marriage, rising to 4.2% in 1660-75 [14]. In conclusion, it would seem that Scotland had higher levels of illegitimacy but lower levels of pre-marital fornication than in England, although over the course of the seventeenth and eighteenth centuries, illegitimacy ratios fell while the less serious offence of pre-marital fornication rose. Fife, as an area where the system of church discipline was already well established, was in the forefront of these changes.



TABLE 8

Fluctuations in Fornication and Adultery Figures:  
St Andrews and Ceres Kirk Sessions (including  
pre-marital fornication)

Year	Fornication p.a.		Adultery p.a.	
	St Andrews	Ceres	St Andrews	Ceres
1563-73	6.8	-	1.2	-
1573-83	9	-	1.9	-
1583-93	26	-	2.9	-
1593-1600	10	-	2.1	-
1645-49	16	3.4	2.3	0
1675-79	8.2	2.4	0.6	0.6
1745-49	-	5.6	-	0.2
1775-79	7.8	2.8	0.4	0.4

According to the First Book of Discipline, 'To discipline must all the estates within this realm be subject, as well the rulers as they that are ruled, yea, and the preachers themselves' [15], but this posed the church with a problem, as they realised that the social and political standing of the parish elite could be reduced by too much humiliation, and the church relied on such local landowners for much of their financial support. Fornicating ministers like Mr David Monipenny of Kemback could be deposed from their office (1617), but despite the attempts of the General Assembly to make the terms of public repentance equally applicable to all ranks in society, in practice it must have been a rare sight indeed to see a laird or clergyman so shamed in front of his social inferiors. It was a state of affairs that changed little in the century and a half after the Reformation, and kirk sessions and presbyteries showed a marked reluctance to pursue any but the most notorious higher-ranking offenders. Of the thirteen men and five women known to be of gentry status who were accused of fornication before St Andrews Kirk Session in the sixteenth century, only four ever appear to have satisfied the church. Church courts were hesitant when dealing with their superiors; even at the height of Presbyterian influence in the 1640s there is only one reference to a laird actually satisfying the kirk for his fornication [16]. In practice, upper-class men enjoyed a freedom

that was denied to others. The laird of Earlshall, accused of adultery in 1673 and relapse adultery in 1685, managed to avoid doing penance for the entire thirteen years the case dragged through presbytery proceedings, and despite his obstinacy there was never any threat of excommunication as there would have been with a lesser man [17]. Gentrywomen, on the other hand, were restrained by social pressure which valued their virginity before marriage and fidelity after it for the sake of male property rights [18]; although at the highest level of society, a woman like Elizabeth, later Duchess of Lauderdale (d.1698) could carry on an affair with the Duke for several years until his first wife died [19]. Lower-ranking men and women had no bargaining power with which to limit the authority of the kirk.

Amongst offenders, servants were the most commonly mentioned group. Of the 247 people whose rank was mentioned in St Andrews Kirk Session register 1560-1600, 111 (67 men and 44 women) were servants, which was hardly surprising considering it was the most common occupation of young unmarried people, particularly women. Of the remaining 136 offenders, 55 were described as lairds, merchants, ministers, ex-priests and notaries or were designated by the title 'Mr'. Craftsmen accounted for thirty-eight offenders and labourers and seamen for the remaining forty-two.

Ceres Kirk Session register 1644-79 goes into less detail, only twenty offenders being listed by rank, but here again servants predominated, accounting for half the accused with only two men of higher status [20]. The adulterers who came to the attention of the church courts similarly came from the lower ranks - of the seventeen people whose status is mentioned, all but four were soldiers, servants or craftsmen, or women married to such men [21]. The numbers of middle-ranking members of society appearing before the kirk session seemed to decline in the century and a half after the Reformation, thus suggesting that, as in contemporary England, these were the members of society for whom the maintenance of respectability, and perhaps a clear conscience, required observance of the church's moral code [22]. In 1694, for example, the Reverend James Murray of Penport confided his worries about his young wife's pregnancy to his diary, lest 'through her rashness or carelessness of herself, [she] should bring forth before the due time, which made me put my request to God ... that so he might not open the mouths of the Ungodly' [23].

Scotland was not a classic 'honour and shame' society; women were not chaperoned but allowed to mingle freely with men at work and social occasions. Unlike the nineteenth century, female servants were not guarded from sexual encounters by their masters - when

Isobel Jamesone was found to be pregnant in 1675, her master admitted putting his guest, William Stinson, in Isobel's room, but claimed in his defence that it was his only spare bed, that the said William was married and that Isobel often went out at night after the rest of the household had gone to bed [24]. Nevertheless, the church tried to legislate against what it considered to be particularly licentious behaviour, and required women to behave with a greater degree of modesty than was expected of men. In 1701, for example, Jean Ogilvie was publically rebuked for taking part in a scandalous 'woman race' [25].

Not unnaturally in a cold climate, most love-making took place indoors. According to the 147 fornication cases with details in St Andrews Kirk Session register 1560-1600, 115 were committed indoors, a further 16 in a barn or outbuilding and only 16 lovers braved the elements in the fields or streets; nor was there any increase in conception rates in the summer months when the weather might have permitted the privacy of the outdoors [26]. Illicit sex must often have been an uncomfortable hurried affair. In 1697 Mary Miller confessed to fornication with George Tarbert in his master's chamber during dinner, but added that they were interrupted and scared by the lady's gentlewoman [27]. Supporting the contention that the majority of unmarried lovers were servants,

54% of prosecuted sexual activity was conducted on someone else's property, probably often a master's house or barn, whereas this was less true of adulterous couples. Among unmarried couples it was equally common for sex to have taken place where the man was living (thirty-two cases) as at the woman's residence (thirty-one cases), although among adulterers the pattern tended to be of men visiting the woman's house or bed rather than vice versa (ten cases to three) suggesting that men were the ones more likely to be taking the initiative in seduction. Grissel Motto, for example, claimed John Scott had spent five years trying to persuade her to sleep with him, and after finally succeeding in 1578 had continued 'sen syne as he plesit', usually coming to her house at the time of common prayers [28]. Despite contemporary belief in the idea of women as sexually voracious [29], men appearing before the kirk session rarely seem to have pleaded seduction in their defence. There are examples of women, possibly 'prostitute' types, taking the initiative; St Andrews Presbytery were scandalised by a Margaret Leyning and Janet Karnes who, in 1649 called a drunken trooper to bed with them [30], but such examples are more than matched by occasions where the woman was taken advantage of. Elizabeth Brunton, who was accused of 'habitual uncleanness' before St Andrews Presbytery in 1696, was found to be 'simple', although not quite an idiot [31].



Women did not have to be simple to suffer exploitation; poverty or a dependent position could also make it difficult to say no to a superior male - a situation best seen in a case of 1701 involving a Marne Blyth and John Lundin younger of Baldaster. Marne initially claimed she had only consented to sex with Lundin because she owed him money. She then retracted her accusation saying she had implicated him in the hope of getting favours, only to reaccuse him a short while later after the minister warned her of the eternal consequences of lying. Confronted with Lundin, Marne affirmed they had sex and alleged that bailie Moris had intimidated her when she was in prison which was why she had acceded to Lundin's request not to disgrace him. Despite Lundin's continued denials and his petition to purge himself of the scandal, the presbytery remained suspicious and eventually referred the case to the General Assembly. Although Lundin was dealt with more respectfully, his rank did not save him from investigation and it is noteworthy that he himself considered his moral reputation to be a matter of some importance [32]. Women were unlikely to implicate a higher-ranking man in the hope of being able to blackmail him, and in the only such case that has come to light, the synod took the unusually harsh step of transporting the woman concerned to Barbados [33]. However, while some women were exploited by superior males, most fornication took place between willing

equals [34], at least some of whom were intending marriage.

#### Pre-Marital and Non-marital Fornication

The General Assembly had decreed in 1560 that pre-marital fornication was no less a sin than ordinary fornication, but in practice offenders tended to be treated more leniently, usually only satisfying once on the stool, in accordance with the Assembly's precept of 1565 that both man and woman should 'satisfie on ane Sonday before they be married'. Some inaccuracies may occur when trying to determine the proportion of pre-marital offenders amongst all those accused of fornication, due to differing definitions of what constituted pre-marital fornication by the various clerks. The offence could come to light after the marriage was performed, between a public espousal and the actual ceremony or before there was any public intimation of an intention to marry. Nevertheless, increasing numbers of those committing fornication in the two centuries after the Reformation seem to have intended marriage. In St Andrews, pre-marital fornication comprised 12% of fornication cases 1560-1600, 17% 1645-49 and 35% 1775-79 [35]. There is no evidence that pre-marital fornication tended to rise at times of economic depression or personal misfortune, when unexpected poverty threw marriage plans into

abeyance, as has been found true of seventeenth-century England and nineteenth-century Scotland [36]. In Ceres 1644-60, for example, despite plague and the disruption caused by war and military occupation, there was an average of fourteen marriages to three illegitimate births per annum; in the politically and economically more stable fifteen years from 1660-1675 marriages and illegitimate births fell to nine and one per annum respectively, while pre-marital fornication remained stable at twelve cases in both periods.

Part of the confusion in the aftermath of the Reformation stemmed from uncertainty over what constituted a valid marriage. A regular marriage involved a public ceremony before a minister of the established church after the banns had been read, but irregular marriages, although illegal, were still valid. Irregular unions, particularly from the mid-seventeenth century onwards, generally meant those marriages performed by non-established ministers or priests; they could also refer to handfast marriages where, although there had been a promise of future marriage followed by sex, there had been no official church ceremony. The Reformed church placed a new emphasis on the necessity for a public solemnisation of marriage and began to demand caution money from betrothed couples that they would remain chaste until the actual ceremony. St Andrews, for example, fixed

upon a pledge of £10 in 1595 [37]. Sex following on from a betrothal was regarded as fornication, but it could still constitute a valid marriage, and the church was never really successful in persuading people that sex between betrothed couples was a sin [38]. In 1580, for example, John Kirk promised Janet Gordoun he would marry her as soon as she became pregnant [39]. By the mid-seventeenth century people could have been left in no doubt as to what constituted pre-marital fornication - in 1655 Walter Smyth and his wife were accused of producing a child two days before three-quarters of a year had elapsed since their marriage. On the basis of the session's argument that their marriage would be 'uncomfortable to them for the rest of their lives', they confessed to having had sex ten days before their marriage and made public repentance [40]. By the late-eighteenth century, however, a privately administered rebuke seems to have been the normal sentence for pre-marital fornication.

Betrothal was seen as a binding promise to marry; in 1565 Mathew Dwplyn was accused of adultery for having sex with a Grissel Angus after promising marriage and having sex with another woman [41], but it could be dissolved by mutual consent. In practice it could also be dissolved if the man gave his solemn oath that he had never promised marriage before having sex with a woman, so that it became increasingly risky for

women to rely on a private promise of marriage before consenting to sex, but to insist on the promise being given before witnesses; when John Kyninmonth delayed fulfilling his promise of marriage to Elizabeth Lyndesay she produced eight witnesses to jog his memory [42].

It was almost invariably the woman who claimed she had only had sex under a promise of marriage, although it was a remarkably uncommon excuse in comparison with the situation in England [43]. There were eighteen cases in St Andrews Kirk Session register 1560-1600 where the woman claimed a promise had been made although the man denied it, and another four where the woman petitioned that the man should be made to marry her for deflowering her although no mention was made of a promise. The half dozen men who claimed a marriage promise had been made did so, not to enforce marriage, but as a mitigating factor in their fornication. Apart from two incidences where the woman was intending to marry another man, no woman denied or disputed an alleged promise of marriage, thus suggesting men and women had different perspectives on the importance of marriage. Most men were quite willing to go ahead with the marriage, but some obviously relished their bachelor days - Walter Ramsay agreed that he had promised to marry Catherine Tweddell in 1560, but refused to marry her unless he was compelled to do so

[44]. There was of course a danger that a woman might claim a marriage promise in order to lessen her offence in the eyes of the church and her neighbours, acquire some sympathy for her plight and, if successful, ensure a more comfortable financial future for herself and her child. In 1664 a Christian Bruddo claimed Alexander Strachan had committed fornication with her which he denied, saying she was only slandering him in order to get him to marry her [45]. A few women may even have tried to trap a man who seemed like a good catch by becoming pregnant, but as kirk sessions became increasingly unwilling to force marriage on a reluctant man, this seems rather unlikely. In Ceres 1644-79, for example, there is only one case of a woman claiming a marriage promise after giving birth to an illegitimate child, who, when questioned by the kirk session, said she would not marry the man anyway. It was far more common for the man to press for sex and, if necessary, make some form of promise to obtain his wishes. As long as he ensured there were no witnesses, it was unlikely that he would be held to his promise.

However, if the girl could prove she had been a virgin, her seducer could be made to either marry her or pay her tocher to another man, relieving her father of that responsibility. According to The First Book of Discipline,

'the father or nearest friend, whose daughter being a virgin is deflowered, hath power by the law of God to compel the man that did that injury to marry his daughter: and if the father will not accept him by reason of his offence, then may he require the dowry of his daughter [46].

William Peblis, for example, agreed to pay for the upkeep of his illegitimate child by Bessie Kyninmonth instead of paying her tocher, as Bessie's father refused to let him marry her [47]. Sex with a non-virgin did not carry the same penalty, so some men might question the girl's reputation - John Johnstoun, unwilling to marry or tocher Marion Gray claimed she was no virgin when he knew her, but had been deflowered by a James Kynisman. The session remained sceptical and ordered further investigations but the final outcome of the case is not recorded [48]. These cases disputing virginity only appear in the first fifteen years or so after the Reformation, suggesting either that such cases were then referred to the newly re-established Commissary Court (although only the reasonably affluent would then be able to afford such disputes), or that virginity became a less vital attribute for prospective wives. A dubious past might not necessarily ruin a woman's chances of marriage - the fact that Elspeth Eviot had had an illegitimate child by George Chalmer did not stop Thomas Wilsoun from contracting marriage with her [49]. Once a relationship was established, however, men expected loyalty. In 1561 Robert Anderson agreed to marry Effie



Syme when they had finished their period in service, as long as she did not give her body to any other man before he was free [50].

Pregnancy did not automatically lead to marriage; indeed as far as the kirk session records can be relied upon, the majority of fornication cases seem to have been incidences of advenitious sex with neither partner willing to commit themselves to a lifelong relationship [51]. 64% of fornication cases in Ceres 1644-79 and 88% in St Andrews 1560-1600 apparently did not result in marriage. If the accused are to be believed, amorous transgressions were exceptional. Of those delated for fornication, the majority claimed only to have had sex once or twice, which seems rather unlikely. Nevertheless, the church professed to believe them. Relapse and trilapse fornication were relatively rare, although it is obvious from session records that at least occasionally subsequent offences were not always labelled as such. This was particularly true for men, who were less likely to have previous illegitimate children living with them to jog the session's memory. In Ceres 1644-79 out of seventy-three cases of fornication, only seven women and three men were accused of being relapse offenders, although it seems likely that for at least one other woman and three men it was not a first fault. This particular register has no records of trilapse or

quadrilapse fornication. One would expect multiple incidences of fornication to appear more commonly before the presbytery, but this does not seem to have been the case. In St Andrews Presbytery 1656-1705, 114 women and 101 men were accused of fornication, of whom only 22 women and 16 men had committed one or more relapses, usually with different partners [52]. Either experience of the church's punishment proved a fairly effective deterrent to further lapses or, more likely, those committing fornication were usually fairly young and further sexual activity was carried out under the aegis of marriage. Leneman and Mitchison point out that as the church made no distinction in punishing a girl who had fallen only once, and one who had done so on a number of occasions with the same man (unless subsequent lapses came to light after she had already satisfied for fornication), the pattern being striven for was one set by the community rather than the church [53].

There is unfortunately very little information on what happened to the illegitimate child. Abandonment was rare, suggesting that having an illegitimate child did not involve the mother in undue stress and shame [54]. Baptism could be withheld until both parties had either satisfied or given appropriate caution money. Concern for the child's salvation was more apparent in mothers, who are often to be found in session records

petitioning for baptism even if the alleged father had not yet admitted his guilt. Given an infant mortality rate of perhaps one in two or three [55], sessions were generally willing to accede to the request if the mother could find a man willing to act as caution for the father. Robina Muir's illegitimate child by an itinerant soldier, for example, was granted baptism provided her landlord promised to take care of its education [56]. Alternatively, it might have been possible to have the child baptised irregularly by a non-established minister.

It seems that generally the mother cared for the child, at least in the early months or years, while the father was expected to contribute towards the cost of the confinement and maintenance of the child till the age of seven. Sometimes either the man or the woman agreed to pay a foster mother to look after the child. Exact arrangements were doubtless tailored to suit individual needs, but those made for the illegitimate child of Richard Ramsay and Euphan Zowll in 1564 were probably fairly typical. Richard was to present the child for baptism and Euphan was to care for it or find a foster mother, while both were to share equally in the cost of its education [57]. Kirk sessions seem to have been motivated more by the practical considerations of keeping the child off the poor rates, than the emotional needs of any of the individuals

concerned. In 1649, for example, when Helen Craig complained to the session that David Farmer was not paying maintenance for his illegitimate child, the session ordered Helen to give the child to David and his wife to bring up, at least for a three month trial period, despite Helen's belief that the wife did not care for the child [58]. The bastard child did not necessarily suffer any discrimination; Isobel Sudderland, the illegitimate daughter of the wife of Patrick Bonkill, clerk in St Andrews, worked as a servant in their household and entered into a sexual relationship with Patrick's son, Alexander, under promise of marriage [59]. Higher up the social scale, some fathers left generous legacies to their illegitimate children, seemingly making little distinction between sons and daughters [60].

### Prostitution

A woman who had fallen once in fornication and found herself with an illegitimate child to support, might find it difficult to gain adequate employment. A few might try to make ends meet by wetnursing, although this was unlikely and St Andrews even legislated against fornicators being employed as wetnurses in 1574 [61]. Some went on to marriage, others may have found their only hope lay in offering sexual favours to those who could help them, and thus acquired a reputation as

an 'easy lay'. The eighteenth-century English traveller, Edward Burt, felt that the kirk session's enquiries and punishment of unmarried mothers served 'for a Direction where to find a loving Girl upon Occasion' [62]. Helen Lato, for example, found guilty of fornication in St Andrews in 1647, was accused two years later of accepting two dollars from John Couper, a married man, for sexual favours [63]. Such women seem to have been largely tolerated within the community, perhaps as a means of keeping them off the poor roll. Katherine Bamsay from Leuchars, for example, was brought before the presbytery six times for fornication or adultery between 1649 and 1656 and was eventually excommunicated, but no mention was made of any attempt to banish her. Once she had acquired a reputation as an 'easy lay', it would be difficult for a woman to rejoin the ranks of the respectable. A distinction needs to be made, however, between such women and semi-professional, 'prostitute' type women who were probably very rare in most of Fife.

Organised prostitution with pimps and brothels was limited to the largest towns where it tended to be associated with other crimes such as pickpocketing. Although prostitutes may have been fairly numerous and mobile in late-seventeenth century Edinburgh (in one raid on Leith in 1692 eighty prostitutes were arrested [64]); it is difficult to justify the church's

suspicious in Fife, where the bawdy houses mentioned were scarcely worthy of the name, small-time opportunist affairs run by one or two women primarily as their home or as an alehouse. Acts against the trade were left to the discretion of the individual burghs, although there was one central government act in 1564 which condemned brothels as a breeding ground for vice and their keepers as 'plane seducearis, abusaris and alluraris of the young tendir and underfilit youth to the filthie lustis of the flesche, quhilk procuris the wrath and indignatioun of God' [65]. Punishment for a first offence was eight days prison on bread and water and a whipping; for a second offence, branding on the cheek and banishment from the town. It was the prostitute rather than the client who was seen as the principal source of evil, seducing innocent, respectable young men and, as a multi-lapsed fornicator, the one who should be the more severely punished.

St Andrews, like many other burghs, attempted to control the opportunities for keeping bawdy houses by restricting the right of unmarried women to live alone. In 1595 St Andrews Kirk Session ordered the elders and deacons to take trial in their quarters of 'wemen that keipis houssis be thame selfis, nocht widowis and on mariit' [66]. In Ceres 1646 women were allowed to live alone as long as they did not 'carry themselves

scandalously', but often these restrictions were also used as a means of ensuring young people, men and women, worked as servants. In 1611, for example, the Justices of the Peace for Fife legislated that 'all solitarie and single men and women livand out of service keipand and remainand solitarie in houssis ather in broch or land betak ye to service at ye nixt terme and failzeing yairof to be reput and halding for idil vagabunds and punishet in thair personis and guidis conformit to the act of parliament' [67].

There were other situations which the session felt were particularly conducive to scandal. In November 1646 they legislated that, in order to combat the sin of fornication among students, no women were to be allowed into the colleges to carry out services [68]. It was drinking houses and late-night gatherings, however, that were particularly associated with women of ill-repute. When soldiers were seen going to Christian Ffoullar's house for ale in September 1649, she was accused of keeping a bawdy house as well as condemned for brewing on the sabbath [69].

Burntisland, being a busy port also had, at least at times, a brothel of sorts - in 1698 Euphan Thomsone and her mother were summoned before the kirk session after a report reached them that Euphame had been keeping scandalous company with men. Thomas Gib reported that some 'loose strange men' appeared at his



door asking the way to the Thomsone's, where they stayed till after one in the morning. Considering the Thomsons were under scandal for keeping a bawdy house at Leith just across the water, and had been banished once from Burntisland, it is hardly surprising to hear of them being banished yet again [70].

The presence of soldiers or sailors in the area inevitably led to business for any would-be prostitute - Marie Bellie had children by three different soldiers during the period of military occupation in the 1650s [71], although English troops complained about the lack of regular prostitutes in garrison towns. Such women were probably recognised as semi-professional prostitutes with no other steady source of income, whose treatment at the hands of the authorities isolated them from the rest of the community. The Presbytery of St Andrews were warned in May 1651 to take notice of Helen Small, 'a lewd loose woman [that has] come in their bounds, that she be not permitted to reside amongst them [72]. Prostitution could offer women a certain degree of independence and freedom, and was perhaps in the short term reasonably lucrative, although likely to lead to a nomadic existence through banishment and an early death through disease or destitution.

Analysing punishments can prove problematic as all too often the clerk merely noted that 'x' was to satisfy the kirk and pay his or her penalty without further elaboration. An Act of Parliament in 1567 established the civil punishment for fornication: for the first fault offenders were to be fined £40 or be imprisoned for eight days on bread and 'small drink' and to stand at the market cross for two hours; for the second fault the fine was raised to a hundred merks and imprisonment to sixteen days and they were to be shaved at the market cross; while a third or subsequent fault resulted in a fine of £100 or a month's imprisonment, ducking in the deepest and foulest pool available, followed by banishment from the town or parish [73]. The ecclesiastical censure in the form of public repentance was left to the discretion of the individual kirk sessions and their presbyteries. In 1593, for example, the Kirk Session of St Andrews decided that 'ilk transgressour sitt upon the penitent stuill, for ilk fault, Sondag Weddinsday and Friday, tyme of sermone, as oft as thai transgres' [74]. It was not until 1649 that the General Assembly standardised the ecclesiastical punishments to three appearances on the stool for a first offence, six for a second, twenty-six for a third and thirty-nine for a fourth. At the same time an Act of Parliament introduced a system of fines graduated according to the offender's rank, recognising that the uniform £40 fine introduced in 1567 hardly

inconvenienced the wealthy, although the poor often only paid a small part of the fine followed by a few days in prison. Until 1593 in St Andrews, for instance, £2 was the normal price for simple fornication, double for a relapse and so on [75]. Even so, such fines were large by the standards of a country in which average wages were less than £1 a week [76]. A further Act of Parliament in 1672 remitted the punishment of fornication, including the civil penalties to kirk sessions.

Although women were often called before the session before their partner, this was largely due to the fact that it was the woman's pregnancy that had alerted the kirk to the offence in the first place, thereafter they were determined, for both financial and moral reasons, to find and equally punish the man responsible [77]. The 1567 Act of Parliament specifically noted that its effect was to encompass 'alsweill the man as the woman', suggesting that this had not always been the case in the past. In Ceres 1644-79 a total of sixty-eight women and sixty-six men were charged with fornication; while St Andrews Presbytery 1656-1705 dealt with 114 women and 101 men. Although in theory there should have been equal numbers of men and women, this slight discrepancy can be accounted for by virtue of some of the men being strangers or unknown soldiers, or occasionally simply

due to clerical omission.

Most men seemed reasonably willing to admit to fornication, perhaps in the eyes of some of their peers it enhanced their reputation. The few who persisted in claiming their innocence were generally required to take a solemn oath purging themselves. George Knox, for example, who admitted that although he had 'ane intentioun to lying with her [Elspeth Colline]' and that he 'did wrestle and struggle with her but she would not permit him to ly with her', took the following oath before Ceres Kirk Session in March 1648:

'By the eternall onlie one God shearsheer of all hearts to whom all men must give reckoning for all their thoughts words and deids, I George Knox, presentlie mourning and lamenting for my sinnefull scandalous and shameful behaviour with Elspet Coline does swear that I did never at any time commit fornication with her nor ly with her in that way that is counted and esteimed by the law of nature and of God to be fornicatione.' [78]

Men were generally regarded as being more trustworthy than women; in 1635 the Synod of Fife decreed a man's oath should be taken 'in respect he is more famous [of good repute]' [79], but there were occasional exceptions. In Pittenweem in 1699, the presbytery decided to take the woman's oath as the man involved admitted to having been drunk at the time of the alleged fornication and therefore somewhat vague about what had actually happened [80]. Women's veracity was regarded as most reliable when they were

in labour. Pain and the fear of death and eternal damnation, it was argued, would clarify the mind. In disputed paternity cases such as that of James Scot and Agnes Stevenson in 1680, the outcome was sometimes delayed until the birth, when the midwife and others were to 'strictly examin hir ... when she is most oppressed with pain' [81]. The church deliberately tried to prevent women colluding to thwart ecclesiastical justice, and by an Act of St Andrews Kirk Session in 1595, midwives were to question women in labour and inform the session if it was illegitimate under pain of a 40/- fine [82]. However, their edict was not always observed, and one midwife admitted to the session that she had 'willingle for Goddis saik consentit' to help an unknown woman without asking her any questions [83]. In 1573 the General Assembly had legislated that if a woman accused a man of being the father of her child, he was to be accepted as such if he agreed he had had sex with her within the relevant year, or it was otherwise proven. If, however, he took an oath denying having sex with her and there was no other proof, he was to be absolved. Generally the session had no reason to doubt the woman's word on the identity of her lover; as long as she remained persistent in her denunciation, and no-one could suggest any likely alternative, the session would be reluctant to allow the man to purge himself of any involvement, but would leave him lying under scandal.

However while men seemed to feel they had little to lose by admitting to having had sex, they were noticeably more reluctant to accept responsibility for any ensuing pregnancy, presumably because this would involve them in paying maintenance for the child [84]. In 1699 a Thomas Findlay eventually admitted to having had sex with Margaret Cohin, but denied paternity as it would 'break him in his employment, being a procurator' [85]. Sometimes men tried to evade their responsibilities by bargaining with the woman involved. Mr Andrew Allan promised his father's servant, Margaret Scott £50 to name a recently deceased man as the father, otherwise he threatened to kill her [86]. Men it seems, often acted on impulse, in search of temporary pleasure without caring what happened to the girl involved.

Once guilt had been established, the church executed justice impartially. Male and female offenders were invariably ordered to satisfy a similar number of sabbaths (unless one or other was a relapse), usually the man satisfying first and then the woman, except for pre-marital fornication where they satisfied together. In the matter of civil punishment women's poorer financial situation was often taken into account and they were charged a smaller fine. According to the Act of Parliament in 1649, fines were to apply to the woman 'according to her qualitie and the degree of her

offence the one without prejudice of the other'. In post-Restoration Ceres the usual fine for fornication was £4 for men but only four merks (£2.13.4) for women. Even at the height of the Melvillian campaign against fornicators realism could prevail, and Margaret Stevenson, servant, trilapse in fornication, satisfied only three weeks and 'being demandit quhat sche will gif for to releif hir of the civile punischement, sche ... offerit iiij li, quhilk the magistratis acceptit', despite the act they had made four years earlier which stated that trilapse offenders were to pay £100 or be imprisoned, ducked and banished [87].

Although women were not intentionally discriminated against, they might occasionally be penalised indirectly. In households where the session suspected there might be an illicit relationship, it was usually the woman who was ordered to leave. Thus in 1642 William Corstophine, a relapsed adulterer, was ordered to evict all the females living in his house with the exception of one old woman [88]. This discrimination was not intentionally sexist but a reflection of the fact that it was generally the man who was the householder, whether as master or father, and the woman who was the temporary resident. Women were also very occasionally ordered to make their partners compear. In 1584, for example, Bessie Small was ordered to cause David Buist, the alleged father of



her illegitimate child, to compear before St Andrews Kirk Session or she herself would be banished. Fortunately the said David compeared with her the following week [89]. Such injunctions were very rare however, and were motivated by a determination to make the man involved face up to his responsibilities. Similar commands were not imposed on men, although occasionally when young women were involved their fathers were made responsible for ensuring they appeared before the kirk session [90].

In conclusion, it would seem that unlike the scenario Keith Wrightson proposed for seventeenth-century England, where bastard-bearers tended to fall into the categories of exploited women or women whose marriage plans had been unexpectedly thwarted; most Scottish women entered into liaisons with their peers voluntarily and not necessarily in the expectation of marriage. Men may have been more active in pressing for sex, but given the late age at first marriage (c.twenty-seven to twenty-nine for men and c.twenty-three to twenty-six for women [91]), and frequent unchaperoned contact between the sexes, women may have found it hard to resist. Pregnancy was probably regarded as an unfortunate accident, particularly if like one young woman from Cupar, you believed that by sleeping turn about with two different men you could avoid it [92]. Having a bastard did not

preclude marriage, either to the father at a later date when their financial situation permitted setting up an independent household [93] or to some other man. Furthermore, there was a reasonable chance an illegitimate child would not survive into maturity. A few unmarried mothers may have fallen into some form of casual 'prostitution' but most would have remained an accepted part of their community.

### Rape

To some extent the surviving records may give a false impression of the degree of willingness with which women entered into relationships. Words such as 'struggling' which were sometimes used to describe sexual relationships do not suggest a mutually desired experience, but partly due to the fact that the church did not recognise any mitigating factors, and partly due to the extremely weak nature of the law on rape, very few women accused of fornication claimed in their defence that they had been seduced, far less raped. Indeed women themselves rarely seem to have been aware of the definition of 'rape', but referred to the offence in less precise terms, indicating how women could be dominated and discriminated against informally through ignorance of the law.

The crime of rapt, ravishment or rape comprised a wider range of offence than the modern definition of forcing a woman to submit to sexual intercourse against her will. According to Sir George MacKenzie, 'rapt' or 'ravishment' was 'that crime, which is committed in the violent carrying away a Woman from one place, to another, for satisfying the Ravishers Lust'. He at least argued that although 'some Doctors ... alledge, that lying with a woman, or abusing her body violently, is not a Rapt, except she be carryed from one place to another', he regarded the sexual abuse as much as the abduction as worthy of the definition 'rapt' [94]. In law rape was regarded very seriously, it was one of the four Pleas of the Crown but seventeenth-century legalists were more concerned with parental property rights than outrages against the person, and legislation therefore tended to be directed against the abuse of abducting heiresses, rather than protecting the ordinary woman from attack. James VI had written to the Privy Council in 1609 deploring the frequency of rape, advising that both abduction and rape should be capitally punished and that the next of kin should automatically succeed to the lands of any girl under sixteen conveyed away without the consent of her parents or guardians [95]. Although it was not made explicit, an Act against the Ravishers of Women in 1612 inferred that rape was a capital offence, except in the case of the woman's subsequent consent, in which case

the ravisher was to suffer an arbitrary punishment, either by imprisonment, confiscation of goods or a pecuniary fine [96]. Also, according to MacKenzie, if the woman's nearest kinsmen consented to the rapt, even though she herself might object, the case was not a capital one. The main aim of the the act, which divided rapt into three branches - rape, abduction and seduction - was to protect the parents' right to arrange or approve their daughters' marriages by making elopement as well as violent abduction financially unviable. Women were regarded as property and the laws were formulated in the interests of the propertied classes rather than in the interests of women's safety.

An examination of the printed Privy Council records 1578-1689 and Selected Justiciary Court cases 1624-50 [97] indicates that almost always 'rape' involved the violent abduction of a financially eligible woman with the intention of forcing her into a marriage, but usually stopping short of sexual intercourse. In 1605, for example, Rachel Bonair, sister to James Bonair of Rossie, complained she had 'been abducted by an armed gang of men led by the brother of the laird of Ballachan, who kept her night and 'pressit violentlie to have deflowrit her'. Before releasing her they forced her to swear to marry her abductor, a contract which Rachel's family wanted annulled [98].

The scarcity of true rape cases can partly be explained by the difficulties facing anyone who wanted to bring a complaint. Private prosecutors bringing cases before the Justiciary Court had to produce caution of substance that the prosecution would proceed. Furthermore they were responsible for summoning an assize panel. Legal hesitation in accepting a woman's word as reliable, together with the contemporary mistrust of women's sexuality, further discouraged women from reporting rape. A woman who claimed rape had to go 'to the next Town, and there shew to honest men the Blood, or other wrongs done her'. Although by the late-seventeenth century she no longer had to declare the injury within twenty-four hours, legal opinion felt that 'the Pursuit is malicious, when it is delayed, for it is most presumable, that a Woman would not conceal any time such an Injury' [99]. The shame and humiliation involved in describing the attack to often unsympathetic judges would further deter women, so that the relative absence of rape trials is unlikely to reflect the actual state of affairs. Even today it has been suggested that only around 5% of sexual crimes are officially recorded, and the figure is likely to have been considerably higher for the seventeenth century [100].

Only particularly notorious cases of rape, those involving children or heiresses, or where the offence was compounded by robbery or murder, had much chance of reaching the courts [101], and even then the judges' sense of justice was not moved by the woman's suffering so much as by more abstract considerations. When the Presbytery of Thurso petitioned the Privy Council in 1624 to execute Patrick Meikle, an elderly married man, who had raped two virgins, infecting one with the 'Frenche pox' and had committed three other attempted rapes; they did so to avert God's wrath by rectifying a matter 'offensive to God, scandalous to the trew religioun, and disgracefull to our governament', rather than to avenge the women concerned [102].

There do not appear to have been any rape cases from Fife in the printed Privy Council or Justiciary Court records and, moreover, there are very few mentioned in the church court records. However, when one considers that the likely reaction of the kirk session to an allegation of rape was to punish the woman for fornication or slander, the apparent lack of rapists is not so surprising. In Ceres 1694, for example, Isobel Williamson claimed William Reid had tied her hands behind her back and raped her on the moor. Calling her a 'silly young lass', he denied the charge saying no-one would believe her as he was an honest young married man. Whether or not she had

actually been raped, she was the one who was regarded with suspicion, and while William was allowed to take an oath to clear his name, she had to satisfy as a slanderer [103].

If women who could name their attacker were unlikely to be believed, those who were attacked by strangers found it impossible. When Beatrix Wishart claimed she had been raped on the highway, the presbytery refused to believe her and ordered her to satisfy as an adulterer [104]. Women did occasionally say they had been attacked by a stranger in order to protect someone they knew, possibly a superior male who had bribed them, but such examples must surely have been far outweighed by genuine anonymous rapes and could not justify the church's refusal to credit the woman's story. Only if she reported the assault immediately, and had obviously struggled with her attacker, did the woman have a chance of being believed. Even then, the attitude of the court was not one of sympathy for the woman, but a grudging acknowledgement that the illicit sexual encounter had taken place against her will. Grissel Watson from Kinghorn was lucky to find herself absolved, 'in respect she told immediatlie thairafter' when she was attacked by a John Shortous who 'struglit with hir, and she became so waik with strugling, that she wist not whidder he had to doe with hir or not, bot confessit



that he lifted hir cloathes, and that she saw his wand out of his breaches, bot could not tell further'. John confessed struggling with her 'bot meddled not with hir'. His punishment was a single day's repentance in sackcloth for adulterous behaviour [105]. Conviction of a rapist for assaulting an unchaste woman, although legally feasible, was extremely unlikely.

The tiny handful of rape cases appearing before the church courts in the seventeenth century can only be the very tip of an iceberg, but the severe under-reporting of offences, particularly of sexual assaults by strangers or superiors, makes it impossible to draw conclusions on the identity or status of rapists or on the places of particular danger. The church courts did not offer any hope of protection or justice for women who were assaulted. Occasionally, aggrieved kinsmen might take matters into their own hands - when David Whittites was accused of fornication with an unnamed gentlewoman in Dysart in 1648, he had to be allowed to satisfy in Perth as his life would have been in danger from the gentlewoman's friends [106], but generally feud law does not seem to have considered the problem of rape.

Given the highly sceptical attitude of the courts when confronted by a woman claiming rape, it is not surprising so few women denounced their attackers. While a woman who did not become pregnant as a result

of the assault would probably only find herself in trouble if she alerted the kirk session to the incident, contemporary opinion was of the belief that conception was impossible unless the woman had consented to intercourse [107]. Furthermore, praise of female fortitude in fighting off a would-be attacker implicitly slandered those women who were less successful. Rape was not publicised as a warning to women to keep out of the public space, as it was to be in the nineteenth century. Although in law rape was a serious crime, it would appear that most men regarded it as a rather trivial issue when it involved a low-ranking adult woman. Since women were regarded as inherently lustful and seductive they would automatically be seen as at least partially responsible for allowing the rape to have taken place; only if the case were brought by an aggrieved father or husband did the prosecution have much hope of success. Perhaps the only alleged case of rape coming before the church courts in Fife which was acknowledged as such, was one dealt with by the Presbytery of Kirkcaldy in 1634 concerning Christian Page, wife of Robert Smart, weaver, who 'thought niver to have told it' but for her husband taking up her defence [108].

This was one area where women did indeed suffer from a flagrant imposition of a double standard. The courts, both civil and ecclesiastic were less

interested in avenging women's sufferings than protecting patriarchal and state interests. The law on rape would, in practice, have had little deterrent effect on men; any restraining influence they felt was more likely to have come from a respect for, or fear of, the church's teachings on sexual morality, than from fear of the law or respect for women's rights.

### Incest

Abhorrence of incest is a characteristic of virtually all cultures, although it is rarely punished severely in practice. The post-Reformation church in Scotland regarded it as a 'vile abominable' crime, and through an Act of Parliament in 1567 made it a capital offence. In reality, few paid the full penalty unless the incest was compounded by violence or particular perversion. The Privy Council's edict of 1629 that remoter degrees of incest were to be punished by fining, satisfaction to the church and a promise of good behaviour, applied in practice to most of the incest cases brought to the attention of the church courts. As with other sexual offences, official expressions of horror were not generally matched by the penalties actually imposed; the records from Fife mention only two capital sentences - in Kirkcaldy in 1611 and 1650 - and in the former the offender was given a reprieve [109]. At a local level there is

little indication of a sense of outrage or abomination, and cases of incest sometimes seem to have been tolerated or covered-up for years. In 1602 Agnes Warrander and her nephew, accused of incest in Kilconquhar in 1599, were found guilty of a relapse [110]. Despite the church's efforts at pointing out 'the greatnes of that sinne', few seemed to show much sense of remorse.

Incest is still one of the most notoriously under-reported of sexual offences, and even in the more closely-knit communities of seventeenth-century Scotland, it would still be possible to conceal relationships within a legitimate household. Reluctance to expose family scandals, as well as the legal difficulties involved in giving evidence against relatives, reduced the likelihood of cases being reported. This was perhaps particularly true of father/daughter relationships where the girl would often be too young or too frightened to say anything, and the mother reluctant to denounce her own husband. Cases of incest, like other sexual offences, were probably only reported if they presented a threat to the community such as the procreation of an illegitimate child which might end up on the poor rates [111]. Bessie, a widow, and Andrew Duncan, for example, were cited for incest which was 'made manifest by the birth of a child' [112].

In the eighty years between 1585 and 1705 for which St Andrews Presbytery records survive, there were only twenty-seven cases of incest, an average of one every three years. Although incest came within the jurisdiction of the presbytery, there are references to cases in kirk session records, although again they form a very small proportion of the business. In St Andrews there were only four cases between 1573-1600, and one case out of a total of 469 in 1645-50. Similarly in Ceres 1644-75 there was only one case out of 279.

Another factor limiting delations was ignorance of what constituted an incestuous relationship, as this included a confusingly wide range of degrees of consanguinity and affinity [113]. While no-one could be ignorant that father/daughter relationships were prohibited, many people were doubtless unaware they were committing a crime when they became involved with someone only remotely connected with them. John Dick, for example, was not aware of his being guilty of anything other than fornication when he had sex with his uncle's widow; indeed he claimed he had been intending to marry her [114]. Of the twenty-five cases where the degree of relationship was mentioned, the most commonly reported was that of uncle/niece (six cases) and aunt/nephew (three cases). There were four cases of husbands or widowers having relations with their wife's sister, three relationships between

siblings, two father/daughter and one widowed stepmother/son relationship and two women involved with their fathers-in-law. There was one reputed case of mother/daughter incest but this was mixed up with a charge of witchcraft and infanticide. The three remaining cases involved people having sex with partners who were in some way related [115].

Lack of privacy would have made it difficult to conceal any illicit relationship from those living in the same house, but at the same time it created the opportunities for those relationships to develop. The custom of sharing beds was conducive to scandal, although without other evidence it was innocuous enough [116]. Marion Gibb, for example, admitted sharing a bed with her brother-in-law, David, but claimed they were fully dressed. The presbytery did not believe her however, as witnesses had seen her spending a long time in David's arms in the fields. Both of them eventually fled and were excommunicated [117].

A total of thirty-five men and thirty-six women were accused of incest, with little discrimination as regards punishment. Usually both parties were ordered to satisfy a similar number of sabbaths - one year each in sackcloth for William Petty and his sister-in-law in 1673 for example [118]. Little allowance was made for the fact that a younger or dependant female might be forced into a relationship - in a father/daughter case

in St Andrews in 1616, the daughter was excommunicated as well as the father [119]. Women were more likely to be regarded as the cause of the trouble rather than the victim; in the case of Mary Toad, accused of incest with her fourteen-year old brother, the synod imprisoned her and her baby despite the acknowledged danger to their health in winter, and then recommended that the magistrates banish her, while her brother's denial of sex was accepted.

This particular case, which dragged through presbytery proceedings for eight months, is the most revealing of the various incest cases mentioned. Mary, when questioned about the father of her child, claimed that a stranger had 'caught her one night quhen she was coming from spouts and wrapt his cloak about her head so that she could not know him it being about nine a cloake and moonlight'. Despite the synod's judgement in a similar case in 1611, when a woman in Arbroath, suspected of incest, fathered her child on an unknown man, that the woman's solemn oath should be taken [120], the Presbytery of St Andrews refused to believe her, despite the fact that she adhered to this explanation throughout the entire proceedings. Her mother was accused of giving her an abortive drink and helping her to conceal the identity of the father, which she denied, saying she did not even know her daughter was pregnant until a quarter of an hour before



the birth. Her father, 'a sober and honest person and much grieved with this matter of his daughters denying her knowing the father of her child', requested baptism for the child, which was granted. The principal evidence against the brother was that he shared a bed with her but he denied the accusation of sex, saying if he had been guilty he would not have stayed in St Andrews. It was at this point that a very frustrated presbytery referred the matter to the synod who recommended banishment [121].

This particular case illustrates more graphically than most, the discrimination and prejudice which could be faced by women. The daughter was seen as the root of the evil, with her mother as a collaborator, responsible for the immoral sleeping arrangements, neither of whom was given much credence, while little blame was attached to the brother or to the father who should have been seen as the head of the household. As with keeping bawdy houses, women, rather than their husbands were held primarily responsible for any immorality within the home [122].

The capital offences of bestiality and homosexuality were extremely rare and hardly ever involved women. No incidences of bestiality between women and animals appear in the Fife records consulted, although there are a handful of cases involving men mentioned in presbytery records and in John Nicoll's

diary. Neither have any incidences of lesbianism come to light in the Fife records, probably because it was the act of penetration that was seen to constitute the vital element in establishing a sexual relationship. Women living together would not attract suspicion other than that of unseemly entertaining of men. Furthermore, without role models, women would often be unable to place or identify romantic feelings towards other women [123].

### Adultery

The church regarded adultery as a separate and much more heinous sin than fornication, but they failed to persuade the state to adopt an equally harsh stance; although Scots law was more severe than that in England (except during the Interregnum). The Reformers wanted the death penalty to be introduced for all convicted adulterers, but by an Act of Parliament in 1563 the death sentence was only made mandatory for 'all notoure and manifest committaris of adulterie ... alsweill the woman as the man doar and committar of the semin efter that dew monitioun be maid to abstene fra the said manifest and notoure crime' [124]. The meaning of 'notour' adultery was defined by an Act of 1581 as cases where a bastard or bastards were born, where the couple kept 'companie and bed togidder notoriouslie knawin', or where they were warned by the kirk, refused

to abstain and were excommunicated. However, even in these cases the death sentence was generally commuted to whipping, fining or banishment, or the offence was reclassified as 'single' adultery which was equated with trilapse fornication for the purposes of punishment [125]. Indeed there are only four known executions for adultery: a couple executed in 1694 and two other women, both from Fife, executed in 1646 and 1649. In 1646 Margaret Thomson, daughter of the late minister of Torryburn and wife of a minister in Wigtoun, was beheaded for adultery committed with the minister of Yell in Shetland and for falsifying a testimonial so the child could be baptised [126], while in 1649 Grissel Hamiltoun, wife of William Aytoun in Kilbride, was beheaded for relapse adultery with John Broun, a cook at Balcomy in Fife. She had in fact already been convicted of adultery with another man and had been banished from Scotland on pain of death [127].

Although the acts of 1563 and 1581 did not impose a double standard, an act of 1592 concerning the remarriage of adulterers did discriminate against women. By this act any woman who was divorced by her husband for adultery and who 'compleitis unlauchfull and pretendit mariage with the same persone with quhome scho committit the said offence Or planelie and oppinlie duellis and resortis in cumpanie with him at bed and burde', was disbarred from transmitting her

property to her paramour or their children, although male adulterers were left free to dispose of their property as they wished [128]. Socially, the adultery of a married woman was regarded as the worst form of adultery; not only would there be doubt over the parentage of her children, but the paramour was guilty of a form of theft as he had stolen another man's 'property' [129]. According to MacKenzie writing in 1678, the Act of 1563 anent Notorious Adultery was intended to discourage the particular abuse of open cohabitation with other men's wives. The Scottish church, however, opposed the notion of a double standard - adultery was a heinous offence whoever committed it and all involved were, in theory at least, to be equally punished. In 1650 the General Assembly presented a bill to Parliament arguing that the death penalty should be extended to include the adultery of a married man with a single woman as both parties were equally guilty of the sin of adultery. But their argument that it was the sin that counted rather than the social consequences, and that parallel degrees of filthiness should be punished as severely as those mentioned in the Bible, failed to impress Parliament and the bill was not passed. The makers of the civil law did not support the notion that all forms of adultery were equally as criminal as they were sinful, and as the state did not punish offenders as it should according to God's law, the church felt obliged to step

in to rectify the situation. In 1642 the Presbytery of Kirkcaldy felt that adultery was on the increase, and as the civil law was not being applied, the presbytery ordered that in future adulterers were to satisfy in sackcloth the whole time of their repentance and to stand barefoot at the church door between the second and third bells on the last three Sabbaths [130]. The kirk, however, could only try the slander of adultery and not the crime itself and, moreover, it could not require satisfaction if an action were pending in the civil or criminal courts, or if had already been found not proven. Even after the General Assembly standardised penance in 1648 to twenty-six sabbaths for single adultery and thirty-nine sabbaths for a relapse (or quadruple fornication), there were still considerable variations in the length of public repentance. Adulterers coming before the Presbytery of St Andrews 1585-1705 ranged from one man who satisfied eleven sabbaths to another man and one woman with thirty-nine sabbaths, one man and one woman who satisfied a whole year and three men and three women who were excommunicated.

Adultery was not a particularly common offence; in Ceres 1644-79 there was a total of five cases: an average of 1 adulterous liaison every seven years in a population of c.2,000, or one for every fifty-three marriages, compared to an average of two fornication

cases per annum. To what extent the cases reported to the kirk session only scratched the surface of adulterous activity is hard to tell. Evidence from seventeenth-century Essex would suggest only one adulterer in every five or six would actually find themselves before the bawdy court [131] and, as with fornication, the kirk was largely reliant upon the evidence of unexplained pregnancies rather than denunciations by neighbours, so that adultery was more likely to be revealed if it involved a married man and a single woman. The adulterous liaison between John Patersoun, a married merchant, and Isobel Gray, for instance, was only uncovered when she became pregnant [132]. According to St Andrews Presbytery register 1585-1705, 193 men and 183 women were accused of adultery, of whom 54 of the men were married and 12 were single and 21 of the women were married and 43 were single. The marital status of the remaining 127 men and 119 women is not mentioned. Particularly as a woman's marriage was more likely to be mentioned in court records due to the more complex legal issues involved, it would appear that the assertion made by Gatrell, Lenman and Parker that adultery cases usually involved a married man and a single woman is correct [133]. Married women, although less likely to commit adultery anyway, would often be able to hide an affair by laying any pregnancy on their husband. Husbands uncertain of the paternity of their wife's child might

hesitate before delating her for adultery - such an admission would not reflect well on their ability to control their household or satisfy their spouse. Indeed there are only three cases of husbands reporting their wives for adultery, two of which involved men who were away from home, one being a soldier, the other a sailor and who were therefore less likely to be ridiculed as cuckolds by their neighbours [134].

Although their reasons might be different, wives were also liable to hesitate before delating their husbands for infidelity unless they felt strong enough, emotionally and financially, to sue for divorce. Only one case, that of Ellen Anstroder, who complained to St Andrews Kirk Session when her husband went off to live with another woman, appeared in the records consulted [135]. The reason why she reported her husband's infidelity, and why most other women would not, was probably at least partly due to the question of maintenance. As long as the husband remained at home the wife would be in a better financial position. Furthermore, women were less likely to be ridiculed if their husbands had affairs since there had been no challenge to their authority, indeed they might feel social pressure not to betray their 'head'. According to Hay,

'An innocent wife does not normally petition for divorce because of her husband's adultery, nor is she bound to, as a man is because of his wife's adultery,



because a woman has no power to correct her husband by words and blows, as the husband can correct his wife, because there is less danger of scandal arising among the people from the man's action than the woman's, and there is less danger of doubtful parentage of offspring. In every case where the husband can keep his adulterous wife, the innocent wife may keep her adulterous husband, because she is weaker and in need of many things.' [136]

John Seton, a clerk in Burntisland, had an adulterous affair with a young girl for three years before the session found out about it in 1701. His wife apparently knew of the liaison but was powerless to do anything, and no one delated him to the kirk session despite his adulterous reputation [137]. Women were more willing to forgive erring husbands than vice versa. In a case involving two married couples in 1563, the aggrieved husband refused to adhere to his wife despite her pleading on her knees, while her partner's wife not only forgave her husband after he confessed to her and 'offerit hym redy to amend to hyr in ony sort at hyr plesur', but, in order to avoid strife, agreed to foster his illegitimate child at her expense [138]. Women, for both financial and social reasons, were less able to cope without their spouse.

Very few affairs were voluntarily reported to the session by neighbours. Most people presumably felt adultery was a matter for the people involved to sort out, and, although they might not approve of what was happening, they appeared reluctant to subject their

neighbours to the rigour of kirk investigation, as the case involving Isobel Dick and Patrick MacKenzie will illustrate. In 1639 Isobel and Patrick were accused of adulterous behaviour with witnesses testifying to events that had happened up to ten years earlier but which no-one had thought to report before. Thomas Jack had come into her house one morning and seen a naked man but only admonished her to secure her doors better, while her servant, Janet Philp, testified that she had often seen Patrick in the house and that he slept and ate with her at times although they tried to be secret. Three years later it appeared Patrick was still visiting her and the servants were again called as witnesses. The two female servants seemed to support their mistress' affair although a male servant, Harry Tone, said 'he wold goe and tak the adulterer out from the whoore', only to be prevented by the two women. Despite his moral disapproval it is significant that Harry was only willing to admonish her personally, but not to involve the church [139]. Furthermore, unlike in England, the community, or its more disorderly elements, did not band together to impose a popular form of justice on cuckolds in the form of skimmington rides. Sexual behaviour seems to have been largely regarded as a private or family matter. In a case in Kirkcaldy in 1632 a servant who had seen a naked man in his mistress' house threatened to tell her father rather than the session [140].

Although voluntary delations were rare, witnesses were willing, or were put under moral pressure, to report their suspicions once the church had become involved. Behaviour regarded as worthy of the kirk's attention tended to be of a fairly blatant nature, as in the case of Andrew Knox who was seen by two witnesses on the witch-hill in St Andrews on Lammas day with Margaret Craige, he 'lying above her with his breaches down and her cloathes up', supposedly in the very act of adultery. To be guilty of adultery, however, full sexual intercourse must have taken place, and after eight months and no sign of pregnancy they could only be made to satisfy for adulterous carriage rather than adultery itself [141]. Yet, with persistence, the kirk was usually able to get the parties to confess. When Elizabeth Richison was spotted coming down James Brown's back stairs between ten and eleven in the evening with her clothes loose and her stockings and shoes in hand, and James himself standing half naked at the top of the stairs; the ministers laboured to get them to confess adultery rather than adulterous carriage and after four and a half months finally succeeded [142].

Occasionally men might give themselves away through boasting - James Duncane's plea that he was innocent of adultery with Isobel Young was over-ruled as witnesses had overheard him say her new child was

his [143]. With more discretion he might have escaped detection - Dese, a married man from Elie, managed to have three children by a mistress in Edinburgh in the 1660s before being found out [144].

The reasons why people in sixteenth- and seventeenth-century Fife became involved in adulterous relationships can only be inferred here, but there were certain situations more prone to adultery than others. Of the twenty-one married women accused of adultery before St Andrews Presbytery, at least ten were guilty of 'technical' adultery where the woman claimed her husband had deserted her or was dead. According to an Act of Parliament in 1573 it was possible to raise an action of divorce for desertion in the Commissary Court after a period of four years had elapsed and an action for adherence had already been unsuccessfully raised [145]. Only the wealthier elements in society who were familiar with legal procedure would be in a position to make use of the system however. In the early-seventeenth century it was still possible to remarry without going through the civil courts. In 1614 the Synod of Fife agreed to permit the remarriage of a woman whose husband had been a fugitive from justice for eleven years if he failed to respond to summons issued in his last known parish church, at the market cross of the county town and at Leith pier [146]. But the kirk's attitude hardened and by the

1640s and 1650s when the disruption caused by war created both problems in obtaining evidence of death and opportunities for those wishing to start a new life, the church was unwilling to regard a woman as single even if her husband had been absent for four or more years, unless there was proof of death or an official divorce. Elspeth Mathiesone and her lover, for example, were forced to satisfy for adultery in 1669, despite her claim that her husband, an English soldier, had left her eleven years previously [147]. In a not dissimilar case in Kilconquhar in 1677-80 the presbytery's suspicions proved justified. When Elspeth Henderson and Cloid Wilson were accused of adulterous carriage, they petitioned for marriage as her husband had been absent for six years. Despite their misgivings the presbytery agreed, only to be confronted three years later by the return of the errant husband claiming 'possession of his former wife'. They ordered Elspeth and Cloid to satisfy for adultery and separate but the two refused and fled [148].

For those women unable to afford a divorce and with no proof of their husband's death, the situation must have seemed impossible. One possible solution was to have an irregular marriage - one anonymous couple from Dysart went to England to marry after the woman's husband had deserted her, but the church refused to recognise the marriage and ordered them to satisfy as

adulterers [149]. In most of these cases of 'technical' adultery the new couple wanted to establish a permanent relationship. Even if her husband was still at home, a wife might be tempted into adultery by his lack of attention to her sexual needs. Beiggis Blak's adultery was revealed when she became pregnant and it was disclosed that she had not had sex with her husband for three years [150]. Conversely there are no examples of men claiming their wives were inattentive, husbands presumably being more successful in persuading or forcing their wives to have sex.

What of those missing husbands who were not indeed dead? Men do not appear in the records as the deserted party but of the fifty-four married men accused of adultery before St Andrews Presbytery, at least five had bigamous or polygamous marriages. War and work gave men greater opportunities for travelling about the country and keeping wives in more than one place. John Duncan, for example, had live-in relationships and children by two women, one in Leuchars and the other in Forgan in the 1690s [151] but there are no examples of women entering into bigamous marriages.

Working conditions also produced another type of adultery in the form of master/servant relationships. There were seven such noted cases in St Andrews Presbytery and five in the Presbytery of Kirkcaldy 1630-53, although this is likely to be an underestimate



and some of the affairs where the status of the lovers is not mentioned probably also fell into this category. Almost invariably the liaison was between a married man and his female servant, although there is one case in 1643 of a married woman accused of adultery with her husband's servant [152]. There were also four cases of simple fornication between unmarried or widowed masters and their female servants in St Andrews Kirk Session 1559-1600.

Female servants and subordinates were in a particularly awkward position. In 1704 Margaret Melville accused her former master, Mr Alexander Cowan, schoolmaster, of making two indecent attempts on her, only to be berated by the presbytery, first for not leaving his service and then for her 'untenderness' towards him as her evidence was contradictory. The poor girl was in a hopeless situation; she had not initially reported Mr Cowan's attempt on her as the session would have been unlikely to believe her since there were no witnesses and she was not pregnant, while she had not left his service because she did not want to break term [153]. For a master/servant relationship to reach the attention of the court, the kirk would have had to have been fairly certain of the master's guilt; the problem lay in getting him to admit it as the case of Mary Insh and her master, Major Arnot, will illustrate. In November 1705 she accused him of



fathering her child. Major Arnot denied any recollection of the incident and for the next two and a half years the presbytery laboured to get him to at least compear before them to answer the charge. In July 1708 they asked Mary if she could furnish any other evidence and she told them of two further incidents when he tried to entice her into his bed, promising her apples, gloves and shoes if she would sleep with him. Furthermore, he had scolded her when she had tried to fee herself with another master without his consent. Major Arnot, however, continued to deny any involvement so the presbytery ordered an oath to be drawn up for him, despite their belief in his guilt. The last mentioned development was in April 1710 when he agreed to take the oath but asked for more time due to unspecified family circumstances, to which the presbytery agreed [154]. Although the presbytery may have had the will to punish both master and servant equally, they often lacked the power to enforce their resolution.

Single women were unlikely to accuse their masters of adultery unless it were true; by deliberately and falsely accusing a married man they would only be burdening themselves with a longer than necessary penance. Masters could presumably deal with any attempts at blackmail at a personal level since in all the master/servant cases that reached the court, the

presbytery was fairly certain of the man's guilt, even if they faced a near impossible task when trying to make him admit it. Indeed, far from servant girls slandering innocent masters, they were more likely to try and lay the blame on a single man of lower status in order to reduce their penance [155].

Whether the master/servant relationship was entered into voluntarily by both parties, or whether the girl was forced or even raped is difficult to gauge. In some cases there was undoubtedly a mutual love or lust - in 1560 Alison Calland petitioned for divorce as her husband, James Alexander, had thrown her out of the house and taken his servant, Elizabeth Cwke as his lover and treated her like a wife [156]. More often masters used their superior position to pressurise the girl into having sex. Some, like Major Arnot, used gentle methods, promising small presents in return for sex, others may have used blackmail or brute force [157]. No servant ever claimed she had been raped, but considering the generally sceptical attitude of the church towards rape, it was highly unlikely she would ever have been believed. Some masters may have taken advantage of this, but is also likely that middle ranking- men, whose status might in part depend upon their moral reputation, were the most likely to observe the church's teaching on morality. Those still higher up the social ladder, however, probably enjoyed a

freedom to seduce or force lower-ranking women that was denied anyone else. In 1634 David Law was charged with 'interteyning persons in his hous scandalouslie as James Lundie who hes gottin two bairnes upon his dochter'. David replied that James came to his hostelry against his will, but he could not discharge him 'seeing he is ane gentleman' [158]. Lower-ranking women committing adultery with a superior male were not discriminated against in theory by the church, although in practice they suffered more by being less able to avoid their punishment. Moreover, they lacked the social and physical power to oppose an unwelcome advance from a higher-ranking male, while facing great difficulty in trying to persuade a court that they had acted under duress.

Other than the difficulties caused by rank, the church did not differentiate between male and female, single or married when it came to punishing those found guilty of adultery. With one inexplicable exception in 1640 [159], where the penance imposed on both partners is recorded, they were invariably ordered to satisfy the same number of sabbaths. John Patersoun, a married merchant, and Issobel Gray for, example, were ordered in 1585 to

'baith to gidder to conpeir cled in sek  
claith beir heddit and beir futtit at the  
kirk dur of the said citee, at the secund  
bell to sermone befoir none, and to stand  
thair quhill the thrid bell to sermone be  
cessit; and thaireftir to conpeir to gidder

on the hichest degre of the penitent  
stuill, and sitt as said is quhill the  
sermone and prayaris be endit, and sua  
furth to continew ilk Sondag quhill the  
kirk be satisfeit' [160].

Occasionally men might plead mitigating circumstances, such as the need to return to sea or ignorance of the woman's marital status in order to shorten or postpone their penance [161]. Women do not appear to have succeeded or even attempted to do the same.

It seems that if a man succeeded in denying responsibility, the woman, even if she were adamant as to the identity of her partner, was likely to have to satisfy as an adulterer. In a case in St Andrews in 1672 when a student accused of fathering a servant girl's child took a public oath denying having sex with her, the girl was ordered to satisfy as an adulterer as she persisted in accusing him [162]. Sticking to the truth could prove detrimental to the woman as she could find herself involved in a longer than necessary penance with an associated delay in obtaining a new position. Such cases were, however, rare.

The church was genuinely interested in the conversion of the sinner and persisted in its duties even where there was no threat to the social order. Catherine Fynny and Henry Mowat, for example, were to separate and satisfy for adultery although they had been living together for fourteen years and had six children [163]. Some adulterers, mindful of the

church's teachings on morality, felt genuine remorse or fear of damnation. In 1647 Janet Jethseman, for example, appeared before Cupar Presbytery of her own accord, 'being wounditt in soule, grieved in spirit and sore pressed under the burden of ane adulterie' she had committed nine years earlier. She wanted to satisfy to 'heale her woundes and calme her spirit'. The ministers, rejoicing at her conversion, offered spiritual comfort so 'schoe should [not] be swallowed upe of sorrow' [164]. A fervent sense of one's guilt was probably the best defence before a church court. Others, however, put love or lust before fear of hell or the church, and cases of genuine remorse can be equally matched by examples of indifference to the church's teaching - a month after finishing their penance for adultery, Katherine Brown and Duncan Dancer were once more found in bed together and had to start their repentance all over again [165].

In conclusion, women faced less discrimination in a church court than in a secular court. At an official level the church punished men and women equally for similar offences as their principal concern was with morality rather than the social consequences of the offence. Any discrimination was based on rank rather than sex or was derived, at least in part, from biological factors - a woman either was or was not pregnant; paternity was less sure. Yet elders and

ministers found it hard to reconcile deeply engrained beliefs in the inferiority of women with the idea of equality of souls, and even when pregnancy was not an issue, women could still find themselves discriminated against, particularly with regard to the matter of oaths.

The general attitude towards the kirk's control of morality seems to have been one of reluctant acceptance. As discipline was seen as an essential part of the affirmation by the community of its membership of the elect. At a superficial level the kirk's thoroughness in rooting out immorality would have had an effect in making people more circumspect in their behaviour, so that although kirk session registers may give an impression of rampant fornication, in reality an official morality was enforced more thoroughly than at any other time, and illegitimacy seems to have stabilised after the great moral 'clean-up' of the 1640s and 1650s. To some extent any sense of shame may have been reduced by the frequency with which the stool of repentance was used, leading at times to over-crowding [166], yet, whether through fear or piety, the numbers of the God-fearing did increase, although the extent to which the church's values were genuinely internalised is open to debate. It seems likely that they did have a lasting effect on the middle-ranking members of society and those aspiring



towards respectability, and by the eighteenth century there is even the occasional case of guilt-ridden fornicators voluntarily requesting the session to allow them to satisfy [167]. Conformity, however, does not leave a record of itself in court documents.

### Marriage - Formation and Breakdown

The nature of church court records is such that they tend to emphasise the problems and conflicts in gender relations and the breakdown of marriage and marriage plans. Yet the reasons for failure can give an insight into what was expected of, or desired in a spouse. Marriage was probably more important for women than for men on both practical and emotional grounds. While a single man could earn enough to be self-sufficient, a woman's wages were such that without a husband she would always be living on the breadline. Similarly in terms of self-worth, marriage was probably more important for women, although evidence in the form of diaries is extremely limited, and confined to the middle- and upper-ranking elements of society. Seventeenth-century male diarists tended to skim over engagement and marriage details as unworthy of comment; they measured their success in terms other than family life [168]. The only known diary written by a seventeenth-century woman with Scottish connections, which is not a purely religious tract, is that by Anne,



Lady Halkett [169]. It is a strikingly modern and frank account of her life, but despite living in a turbulent age she concentrates to a great extent on her three love affairs. For Anne, and presumably for most women of her rank denied a legitimate place in public affairs, love and marriage were their 'raison d'être' and virtually the only way to prove their worth in society. At a lower level too, women's identification of their self-worth with sexuality is seen in the nature of cases of slander. While men tended to question each other's honesty, women were most offended by aspersions cast on their sexual reputation. Such considerations, as well as fears for their future reputation, probably go a long way towards explaining women's determination to hold men to any marriage promises they made, even if the man's reluctance boded ill for the emotional side of the marriage.

Before the Commissary Court at St Andrews or Edinburgh became re-established as the relevant body, [170] several petitions claiming broken marriage contracts were brought before St Andrews Kirk Session. The rank of claimants varied from a servant to a minister's fiancée, but most were of craftsman status. Of the thirty-four such cases, thirty were brought by women. There were two principal factors prompting women to appeal. The first, accounting for twelve cases, was to ensure the man fulfilled his promise to

marry her after deflowering her; the second, accounting for eleven cases, was to prevent the man contracting marriage with another woman. In 1566, for instance, Christian Betoun successfully petitioned to stop the marriage of Thomas Arnot and Janet Anderson as he had deflowered her, (Christian) and although he had satisfied the kirk for that offence, 'that was na mendis to hyr' [171]. Of the four men claiming broken contracts, two were prompted by the threat of the woman's imminent marriage to another man, and one by her procrastination.

The reasons behind delaying or objecting to the solemnisation of the marriage are rarely given. The most likely explanation in many cases is that men sometimes obtained sex under false pretences. If the issue came to light because an elder had spotted a pregnancy, the session was unlikely to force an unwilling man to marry; if, however, the issue was raised simply because the woman had petitioned for solemnisation of marriage they tended to side with the woman, forcing the man to honour his commitments. In 1562, for example, Marjory Pawy claimed William Kynnisman took her hand and promised to marry her. He denied any such promise and although there were no witnesses, nor apparently had they had sex, William was ordered to marry her within forty days [172]. By the seventeenth century unwilling men were rarely forced

into marriage and of the six cases of pre-contract brought before the Presbytery of Kirkcaldy by women 1630-44, all six men were freed of any commitment. The factors which led the kirk session to enforce solemnisation of one disputed marriage contract while cancelling another often remain obscure, but often their motivation, far from being based on purely practical considerations such as the maintenance of an illegitimate child, seems to have derived from a desire to ensure observance of the ordinances of the kirk regarding betrothal and marriage. Indeed it was sometimes the session itself, rather than a jilted partner, who brought the failure to complete solemnisation of the marriage into the open. In 1565 they ordered Patrick Lokard and Christian Thalland to solemnise their marriage under pain of excommunication, after the banns had been read, this despite Patrick agreeing to call off the marriage at Christian's request on the grounds of his being morally 'unclean' and in danger of execution for robbery [173].

What were people looking for in a spouse and what factors influenced their choice? The debate over the relative importance of practical issues versus affection, between free choice and parental choice in early-modern Europe is a lively one [174]. Arranged marriages were rare and generally limited to those families with enough land and wealth to turn a marriage

into a dynastic alliance - when Elizabeth Autherlony, Lady of Auchenleck agreed to marry John Forret of that ilk in 1542, she made it conditional on her son marrying his daughter [175]. Parental influence was diminishing even before the Reformation however, and usually there was a degree of flexibility over the right of parents or children to veto proposed matches. Sir John Clerk of Penicuik refused the first woman his father had in mind for him as she 'was not to [his] taste' but married a woman of his own choice with his father's approval [176].

Lower down the social scale the habit of delaying marriage till a relatively late age, together with the fact that young people tended to leave home in their early teens, reduced the element of parental influence when it came to choosing a marriage partner. In rural Ireland in the 1930s Arensberg and Kimball found that couples considered compatible on the grounds of family, land etc were usually brought together by their fathers and as long as the couple themselves agreed, the marriage went ahead [177]. In Scotland, however, among the propertyless it was likely to be the young couple themselves who initiated the match, but there was still likely to be some interaction between personal choice and parental wishes. When Patrick Ogilwy wished to marry Christian Zwill he came to see her and promised himself to her by holding hands while he and her father

were still in the process of discussing the marriage contract [178]. Whether or not they consulted their parents, young people did not operate in a social vacuum and they would have been judicious with regard to the financial and social status of their partner, often marrying within their craft or trade [179].

Pecuniary greed on the part of the parents or guardians was not regarded by the church as a valid reason for forcing an unwilling couple to marry. Having one's heart 'touched with the desire of marriage' was 'the work of God and ought not to be hindered by the corrupt affections of worldly men' [180]. Nevertheless, contemporary views held that self-interest was subordinate to the well-being of the family group, and parental approval was highly desirable if not obligatory, for a marriage to be valid. Indeed it is even possible that the Protestant emphasis on patriarchy had the short-term effect of increasing parental influence in marriage contracts. According to the First Book of Discipline,

'If any son or daughter, or other [under subjection], have their hearts touched with the desire of marriage, they are bound to give honour to their parents that they open unto them their affection, asking their counsel and assistance, how that motion, which they judge to be of God, may be performed'. [181]

In 1584 the Kirk Session of St Andrews ordained that any man or woman wishing to be contracted in marriage was to appear before them with their parents if they

were alive, or two of 'thair nerrest freindis' if they were not, before any banns were read [182]; so, for instance, they delayed the marriage of Patrick Stewart and Elspeth Stewar until they had obtained their parents' consent (in this case Patrick's father was a merchant) [183]. Some young couples might attempt to force their parents' consent by having sex, and in 1645 the session warned that such sinners were to make public repentance [184]. Parental consent meant essentially that of the father, unless the mother was a widow. In the case of a girl being deflowered, it was her father who had the right to accept or reject her lover as a son-in-law, as the guilty couple had forfeited the protection of the church [185]. When Margaret Reid, for instance, accused Thomas Cuthbert of fathering her child and asked the session to make him marry her, they first ordered her father to come and give his wishes in the matter [186].

Even if parents did not have an absolute control over their childrens' marriages they could exact strong emotional or financial pressure. Elizabeth McKy alleged her father had forced her to handfast with Thomas Read under threat of disinheritance, and accused her father of wanting to get rid of her. The threat of disinheritance was supposedly regarded as a strong enough fear to enable a marriage to be annulled [187], but Elizabeth failed to prove compulsion and the



session ordered her to go ahead with the marriage under threat of excommunication. Nevertheless, four years later she had still neither married nor been excommunicated [188]. Persistence in one's attitude could perhaps succeed. The case was even stronger, and indeed supported by the law of rapt, if the fear had been exerted by someone other than the child's rightful parents or guardians [189]. Parental influence through the giving of tochers extended fairly far down the social scale - Mirabel Brown for example had a tocher of ten merks in 1564 [190]. Nevertheless, even the kirk agreed that parental wishes could be over-ruled when there was no real justification for their objection - when Andrew Ramsay claimed he was not going ahead with his marriage promise to Janet Smytht after deflowering her because his (rather than her) father would not give his consent, the session told him to try and persuade his father to change his mind, and if he did not succeed he was to use 'the libertie that God hes gevin to hym' to go ahead with the marriage anyway [191].

Passionate love or lust was universally regarded as a noxious ingredient forming an unstable basis for marriage. Such feelings might impel a man into committing fornication, but rarely into a permanent alliance unless there were other contributing factors. Sexual activity, while regarded as essential for the



mental and physical health of both men and women, was to be moderated to within the bounds of a warm conjugal affection. Yet impulsive passion was naturally not unknown - in 1663 Lord Broomhall's son, Robert, horrified his family while at university in St Andrews by eloping with Agnes Allen, the daughter of a taverner, but his brother pursued him and 'abused [him] for such a lewd prancke, and did weipe hir with his rodde.' Duly repentful Robert bowed to family pressure and did 'decline hir' [192]. More pragmatic was the attitude of Alexander Adie who 'cheset to me the said Marioun to be my lauchfull wyffe' partly, he claimed to avoid committing fornication again with Bessie Millar whom he did not want to marry [193].

Parity in age, status and religious belief were the first essentials when seeking a spouse. Thereafter, among the upper and middle ranks, women looked for men whose character was honourable and dependable and who could provide them with security. Anne Murray, after the 'most solemne seeking the determined will of God', eventually agreed to marry the highly suitable and caring lawyer, Sir James Halkett, simply because 'noe man living could doe more to deserve a wife then hee had done to obleige me', after two earlier love affairs had ended in betrayal for her [194]. As for the male point of view, Sir Robert Sibbald set down his reasons for marrying at the age of thirty-six in 1677 as

follows,

'My mother and my sister being deade, and I left alone, and finding a necessity of keeping house, I yn in earnest determined I would ingadge myself in a married lyfe ... and I was the more confirmed in this, that I found an inclination for women prevailing some tymes upon me ... and it were better whill young and vigorous to settle, yn delay till old age.'

Upon the recommendation of a friend, he courted and married Anna, the twenty-two year old sister of Master James Lowes of Merchistoun [195]. James Melville articulated the qualities men were looking for when he wrote: 'who that is wise would not prefer for a partner one who is sound in mind and body, modest, yielding, humble, affectionate, open-hearted and thus in every way qualified for rendering life agreeable'. [196]

A God-given affection, a 'legitimate, holy, chaste, sober love' in the words of James Melville [197] was desirable, although to what extent a man was influenced in his choice of spouse by practical considerations, and to what extent by love or affection varied according to rank and to individual circumstances. While the former consideration played a greater role than it would today, with family ostracism and disinheritance at one end of the social scale, and destitution at the other likely to result if an unwise choice was made, affection was probably the guiding principle in most middle- and lower-ranking marriages.

The reformer James Melville, for instance, met his future wife, the sister of one of his male pupils, when he was twenty-two or twenty-three and she was eleven or twelve. He visited their house where

'affection enterit verie extreamlie betwix that gentlewoman and me ... honest and cheast ... manie fear battels and greivis tentationnes did my God uphould me in ... and at last (four years later) put in my hart a purpose to seik and use that holie and lawfull remeid of mariage'. [198]

Whether the existence of pre-marital affection actually increased in this period, as Lawrence Stone in his seminal work, The Family, Sex and Marriage in England 1500-1800 would suggest, is debatable. Any changes were slight and applied principally to the upper and middling ranks. Although evidence in the form of diaries and letters is lacking, it is possible that among the propertyless too, improvements and changes in living conditions, particularly towards the end of the period led to expectations of a greater affective bond between husband and wife, rather than an alliance based principally on the needs of a productive working unit.

According to Stone, roughly a quarter of all marriages in early-modern England were remarriages, and it is likely that the demographical situation was similar in Scotland [199]. Those marrying for a second time had greater freedom in choosing their spouse, but most, like Johnstone of Wariston, probably still

consulted family and friends with regard to suitability. According to him, 'the consail and consent of my freinds, quhilk was the ordinair means by God's apointment of effectuating busines of this kynd', led him to seek, unsuccessfully, the hand of Catherine Morison in marriage [200]. Lower down the social scale remarriage was a virtual necessity for a poor widower with children. John Hutcheon, for example, pleaded for permission to remarry as he had two young children and found it difficult when he had to be out at work all day [201].

Contemporary marriage services indicated the nature of the relationship expected within marriage. Just as Eve was fashioned from Adam's rib to act as his helper, so the wife's duty was 'to study to please and obey her husband, serving him in all things that be godly and honest ... because she is in subjection and under governance of her husband' [202]. Knox himself had accounted for women's subordinate role by quoting the passage from Scripture: 'For as much as thou hast abused thy former condition, and because thy free will hath brought thyself and mankind into the bondage of Satan, I will therefore bring thee in bondage to man' [203]. Disobedience on the part of the wife was condemned by the church. When Bessie Bawerege and James Gylmor were summoned to adhere to each other, Bessie admitted that the fault was hers in 'nocht to

have beyn sa obedient to James hyr husband as becam hyr of dewetie toward hyr husband and head', and her father acted as caution that she would be 'ane gud and faythfull wyff and servand' to him [204].

On marriage the husband acquired power over the person of his wife, who was judged to have no legal persona of her own. He could decide where she was to live, manage her moveable goods and without his consent she could not dispose of her immoveable goods. Nevertheless, married women's property rights were stronger in Scotland than in England. A man could not dispose of his wife's heritable property without her consent and he was expected to act in her best interests. The wife could retain control over her dowry for the duration of the marriage, while her husband was liable for any debts she had contracted before their marriage. Specific marriage contracts could modify the husband's control although such contracts were not strictly enforceable in law in the seventeenth century [205].

A wife was both an emotional and a material helpmate to her husband. When Cloid Wilson and Elspeth Henderson were ordered to separate as there was no proof of her husband's death, Cloid objected on the grounds of the 'aid and assistance' she gave him in his living, without which 'he must be a beggar' [206]. Yet his love for Elspeth was strong enough to risk just

that, as he fled with her three years later on the return of her husband. While he felt the church might be more impressed by practical considerations, his relationship was, in fact, founded on love. The duties of marriage were not all one-sided. Husbands were to love their wives as Christ had loved the church, and honour and respect them as the weaker vessel. A husband's rule was not to be unbearable - Alison Calland felt entitled to complain to the session when her husband failed to treat her as he should a wife - 'honored, entrietted, gevin and rendered dew benevolence ... and nocht to beare impyne abone me as ane tyran' [207]. Diaries, although tending to be written by the religiously-inclined, and letters, indicate that relationships within marriage were often loving and companionate. James Melville talked of his wife as a 'grait helpe and comfort' in troubled times and of missing her when they were separated [208], while Edward Thomson, the minister of Anstruther East, was so grief-stricken at the death of his wife that he committed suicide in 1685 [209]. The poet, Alexander Scot, wrote poignantly of the pain he felt when his beloved wife left him for another man in 'To luvie unluvit' [210].

Nevertheless, the nature of the emotional relationship between a husband and wife was not as free nor as equal as is the ideal, if not the practice



today. Even in obviously happy marriages the wife was expected to gain her happiness by devoting herself to her husband. When Elizabeth Henderson died, her husband, Sir John Clerk of Penicuik, was affected enough to write a tribute to her in 1683 in which he commended her 'meek and quiet spirit', her devotion to household duties and her love for her husband which was so strong that 'she thought the same things and loved the same loves and hated according to the same enmities and breathed in his soul, and lived in his presence and languished in his absence and all that she was or did was only for and to her dearest husband' [211]. Affection and romantic attachment are more likely to be found in letters written by wives. In 1669 Katherine Hume wrote to her husband,

'My dearest  
I am in such confusion at your staying so long from me that I know not what to write but to obey you and let you hear we are all well, only I want my dear's pleasant conversation which is better to me nor health or any other thing in this world.'  
[212]

There was genuine love and affection in marriage although it was sometimes perceived in a different light to what we might expect today. Evidence for marital relationships lower down the social scale is sadly lacking. Ballads offer a misogynist view, praising the bachelor state and decrying the nagging wife. Some modern sociological studies suggest that men who lack power in the outside world may try to



compensate for this by exerting dominance at home [213]. No doubt some seventeenth century marriages did follow this pattern; in many though, the essential role of the wife in helping to provide for and run the household would ensure she was afforded some respect, although ultimate authority would rest with the husband, as it often still does today [214].

For those whose marriages were not a success there were few ways out; these amounted to desertion, which was condemned by the church, legal separation from bed and board without the option of remarriage, and divorce, which was only possible on restricted grounds and was in practice limited to those with considerable wealth.

Simple desertion was the option favoured by the poor but sometimes the deserted party sued for adherence. Furthermore, if the church realised what had happened they would order the estranged couple to live together. Adherence included sexual relations if marriage was to be a remedy against fornication, so when Bessie Smyth complained that her husband had not adhered to her in bed for twelve years, he was ordered to do so within forty-eight hours; love, it seems was an optional extra [215]. Incompatibility or lack of love were not seen as sufficient reasons for either party to cease adhering [216]. Of the twenty-nine suits for adherence brought before St Andrews Kirk

Session 1559-16000, just over half were initiated by the session itself in an attempt to enforce observance of the marriage vows and to prevent the estranged couple from falling into the sin of adultery; four were raised by the woman and three by the man while in the remaining six cases adherence constituted a secondary issue to another petition. In the records of the Presbytery of Kirkcaldy 1630-46 all six suits for adherence were raised by the church itself. Marriage being more of a necessity for women than for men, it is not surprising to find more men abandoning their wives than vice versa (eleven cases to seven). In their defence, six of the men claimed they were refusing to adhere on the grounds of their wife's adultery, but infidelity was only proved in two instances.

Perhaps surprisingly only two women tried to justify their non-adherence on the grounds of cruelty. In one case this was accepted as the husband had also been adulterous. In the other Ellen Inglis was excommunicated for refusing to go back to her husband, despite her claim that 'he wald haif hyr in howseld that he mycht be fulfillit of hir bluid and flesche' [217]. Women were regarded as the subordinate partner in marriage and the husband, as head, had a legal and moral right to correct his wife. In Auchtermuchty in 1655, when James Donaldson was rebuked for striking and cursing his wife, he replied that he would do to his

wife as he pleased as it was no-one else's business. Excessive use of force was, however, condemned, and James was warned that if he repeated such behaviour he would be fined £10 - a quite considerable sum [218]. St Andrews Kirk Session 1559-1600 mentions just six cases of wife-battering, a figure which can only represent a fraction of what was actually happening. The session was more likely to step in if they felt the man had been acting irrationally and under the influence of drink. In four of the St Andrews cases and all three of the cases mentioned in Ceres Kirk Session records 1644-75, the men were delated and punished primarily for being drunk or for cursing. Wife-battering elicited no more than an admonition from the session as they tended to assume the woman must have provoked her husband in some way. Most women had no redress against a violent husband, even returning to the parental home was not permitted - in 1648 Andrew Mutto was ordered not to receive his daughter in his house again after she had run away from her violent husband [219].

At a higher level in society there are a few cases of men being taken to court for cruelty towards their wife. When Katherine McCulloch complained that her husband had kicked, punched and beaten her to the 'grit hazard of her life' and had tried to strangle her in an attempt to obtain her hereditary rights to the lands of

Kindeis, the Privy Council, although they did not explicitly condemn his behaviour, decerned that 'they were not disposed to live in conjugall amitie and societie' and granted her a legal separation [220]. The church's position was inexorable. Separation - the relaxation of conjugal rights and cohabitation without permission to remarry - was only permissable on the grounds of cruelty of such severity that the pursuer's life was endangered by further cohabitation. Such cases were brought before the Commissary Courts or the Court of Session rather than the kirk session or the presbytery and were generally limited to the upper-ranking sections of society.

Divorce, with permission to remarry, was available on the grounds of adultery, proven desertion, impotency or a defect in the ceremony such as fraud, non-age, a retained previous marriage or kinship within the prohibited degrees. However, the number of divorces granted was minute as only the wealthy could afford the expense of a court case. St Andrews Kirk Session heard a total of fourteen petitions for divorce, practically all dating from before the establishment of the Commissary Court in 1564. Surprisingly, there were more women than men petitioning for divorce (eight cases to six). In all the cases except one, where the outcome is noted, the pursuers were granted divorce with permission to remarry.

By far the most common reason for divorce, according to St Andrews Kirk Session, was adultery, which accounted totally or partially for all the divorce petitions bar one. Prior to the Reformation the only remedy in the face of adultery had been separation without permission to remarry, so the 1560s witnessed a surge of applications for divorce - in 1560, for example, David Gudelawde petitioned for divorce with permission to remarry as his wife had fled to Denmark in 1524 and remarried there [221]. There seems to have been no discrimination against women applying for divorce as can be seen in the case of William Rantoun and Elizabeth Gedde. In 1559 his petition for divorce on the grounds of her adultery was rejected as unproven, but three months later she petitioned successfully for divorce, with return of her tocher and permission to remarry on the grounds of his adultery with Margaret Aidnam whom he had installed as his mistress in lodgings in South Street. Since William and Margaret had already admitted adultery, Elizabeth's petition was granted [222].

Unlike the situation in England, women in Scotland were, in theory and in practice as free as men to petition for divorce, although the large proportion of women petitioning may simply reflect men's greater tendency to commit adultery. They were, however, liable to lose out financially by divorce, even when

they were the innocent party. Although they were put in possession of their jointure lands, their tocher was not restored to them - which is why Elizabeth Gedde specifically asked for that provision. Children, too, generally remained with the father. The main issue at stake was the inheritance of property. If the wife was the guilty party she lost everything as if she were dead. The case of Innerwick versus The Lady in 1589 established the custom that an heiress divorced for adultery lost the life rent of her heritage, her conjunct fee and her tocher, while her inheritance was reserved to the offspring or next-in-line of the first lawful marriage. Adulterous men, however, were free to dispose of their property as they wished.

Judging by the importance attached to the condition in the divorce pertaining to remarriage, most divorcees probably expected to marry again, although how many did so is hard to tell. There is no obvious evidence of divorced women being stigmatised, and presumably if a woman was wealthy enough to petition for divorce she was likely to be a financially desirable match. In principle, remarriage was permissible because the adulterer was 'reputte ane dead man, worthy to want his lyfe be the law of God, quhen ever it sall pleas God to stirre up the heart of ane gude and godlie magistrate to execute the same with the civile sworde' [223]. In practice, not only was the



guilty party spared execution, but he or she was given a chance of 'rebirth' and could remarry in order to prevent further sin [224], although remarriage to the paramour was, in theory if not in practice, expressly forbidden by an Act of Parliament in 1592.

Infertility was not a ground for divorce, but impotency in a man was. The impotency had to be present before marriage, yet unknown to both parties at that time. There is one such case in St Andrews in 1562 when Margaret Hillok petitioned for divorce on the grounds of her husband's impotency, which he admitted. They were ordered to live together for at least three-quarters of a year (presumably to see if she could become pregnant), and to live as man and wife for six days at the house of a third party. John's impotency, however, only existed as far as his wife was concerned - witnesses testified to seeing him in bed and quite potent with other women. As divorce was only possible if the impotency was absolute, Margaret changed tactics, and three months later successfully petitioned for divorce on the grounds of his adultery [225]. In this particular case impotency seems simply to have been the excuse to try to end an unsatisfactory marriage - John admitted that 'Marget hes desyrit of hym (being in thar beddis) to be quit and partit fra hym, and at he suld consent tharto, and confessis that he mayd hyr ane grant sa to do, and at he wes desyrus



to be qwynt of hyr'. Moreover he was 'myndit to mare  
ane other woman' should they be divorced.

Within marriage, although the man had a duty to  
satisfy his wife's sexual needs, the woman was regarded  
as the subservient party. When John Gyb was accused of  
impotency, he testified that 'the falt wes on his part  
onlye And at sche schewe hyr wylling and obedient to  
hym offerryng hyr body redy to hym in all behalwes'  
[226]. Furthermore, if a woman was incapable of  
satisfying her husband for medical reasons, although  
the husband could not sue for divorce, the decision to  
have an operation rested not with her but with him as,  
according to the legalist, William Hay, 'in what  
concerns marriage the woman's body belongs not to  
herself but to her husband [227].

For those unable to afford divorce proceedings  
there was no legal escape. In England wife-selling was  
to develop as a popular, if not particularly common  
form of divorce, but there is little evidence of it  
being practised in Scotland. There are only three  
known incidents in the seventeenth century - in Angus  
1613 [228], Stirling c.1638 and Humble, East Lothian  
c.1646.

Was there a feasible alternative to marriage for  
women? The closure of the convents at the Reformation  
meant an end to the possibility of a religious career

for unmarried women, and indeed celibacy was no longer lauded as in Catholic times. Yet the male to female ratio in seventeenth-century Scotland stood at ninety-one men to a hundred women so although most women could expect to marry at some point in their life, a significant minority would be unable to do so [229]. The nature of the surviving records makes it difficult to calculate what percentage of the population never married, and levels could vary according to class and to the nature of the local economy - girls predominated in urban areas for example. For eighteenth-century Scotland, Michael Flinn and Patricia Otto both found the level of female celibacy to range from c.7% to c.33% [230]. In seventeenth-century England, where there were already very high celibacy rates for gentrywomen, 'an old maid', according to Allestree in The Ladies Calling, 'is now thought such a curse, as no poetic Fury can exceed; look'd on as the most Calamitous creature in nature'. Scotland, however, appears to have been more tolerant of unmarried women; the bonds of kinship were stronger and there was less resentment at maintaining unmarried female relatives, either as equals or as servants depending on status. Robert Colville of Cleish made provision in his will that 'gif it sal happin my said dochter to leid ane simpill [single] lyf and nocht to be movit in hir hairt to tak ane husband', his son was to keep her in an appropriate style of life

[231]. Elizabeth McKy claimed a 'desire to mary na man', which St Andrews Kirk Session and her parents seemed unable to change [232]. For the poor, however, a single life was not really a viable option as they were financially less able to maintain themselves without a man's help.

In conclusion, those who did marry were impelled largely by seemingly modern ideas of affection, tempered by strong practical considerations of being able to form a productive working unit. Men and women were not looking primarily for romance when they were seeking a spouse, but they expected love to develop within marriage. If it did not, they might be tempted to seek it elsewhere. Isobel Dick who lived in Wemyss, and Patrick Mackenzie from Leith, maintained an adulterous relationship for at least thirteen years despite the kirk's attempts to end it. After satisfying for slander of adultery in 1642 Isobel continued to see Patrick, telling him,

'My hart, I have suffered many things for yow, bot I hope I sall debait them all, bot I wold be content to be drawn at ane horse taill lyk astaid so that I may sie you weill at even, yea my hart, I wald be content to stand seven years at the ports of hell for your saik to pleasure yow'.

Even fear of eternal damnation was not enough to quench her love [233]. Outside the aristocracy, the interests of the wider kin group were not of great significance when choosing a spouse, and young people were given

considerable freedom to choose their own partners; a freedom that was supported by the church who regarded the consent of the couple themselves as the vital element in marriage, although parental consent should be sought.

Within marriage wives were constrained by law, theology and custom, making them subordinate to their husbands, yet their position was no worse and possibly slightly better than women elsewhere in Europe, and in practice wives were often given greater respect and de facto equality than theory would suggest. Although Reformation theologians supported the idea of patriarchy, at the same time they stressed companionship and love in marriage to a greater degree than before, and the emotive quality and nature of the average marital relationship was probably not significantly less companionate than that pertaining today. However, if the couple were disposed to argue or disagree, seventeenth-century opinion was biased in favour of the man as natural head. At the lowest level of society, husbands and wives shared a common working and social environment which would weaken patriarchal authority, so that although women may have paid lip service to the ideal of patriarchy, in practice they may well have acted as they pleased and considered themselves the equal of men, as the moralist William Gouge complained of Englishwomen. Higher up the social

scale there was a greater division of spheres of interest as men became involved in political and professional careers from which women were excluded. Yet such middle-class women were generally greatly respected in their own domestic sphere, and diaries would suggest they were often educated enough to allow them to act as spiritual companions to their husbands.

### Love, Sex and Marriage - Notes

1. Fleming, St Andrews K.S., pp.222-23.
2. Ibid., p.553.
3. Ibid., p.614.
4. Ibid., p.853. Some people might make a living out of the fornication business - in 1590 Walter Lathangie and his wife were ordered to stop receiving pregnant women in their house without licence. Ibid., p.661.
5. Martin Ingram, Church Courts, Sex and Marriage in England 1570-1640 (Oxford 1987), p.159.
6. Walter Foster found a similar preponderance of sexual cases in early-seventeenth century presbyteries, accounting for 70% of cases coming before the presbytery of Paisley 1606, 47% before Jedburgh 1622 and 63% before Perth 1632. Foster, The Church before the Covenants, p.98-99.
7. G.Parker, 'The "Kirk by Law Established" and the origins of the "taming of Scotland": St Andrews 1559-1600' in Leneman, Perspectives in Scottish social history, 1-32, pp.10-11.
8. Ibid., pp.1-2, 17.
9. Figures calculated from Ceres K.S. 1644-75 (StAUL/CH2/65/1) and Ceres Parochial Register 1620-1700 (GRO/OPR/415/1).
10. Popular condemnation of adultery, as opposed to simple fornication, can be seen at Alves in 1732 where fornicators, anxious to demonstrate their moral superiority, went on strike rather than satisfy with adulterers when the fornicators' stool was broken. N.Smith, 'Sexual Mores and Attitudes in Enlightenment Scotland' p.55.
11. Ingram, Church Courts, Sex And Marriage, pp.158, 166. L.Leneman & R.Mitchison, 'Scottish Illegitimacy Ratios in the Early Modern Period', Economic History Review, 40 (1987), 41-63 (p.49), noted consistently lower illegitimacy ratios in Fife than in any other region, which seemed to have stabilised at between 2-3% by the mid seventeenth century.
12. Parker calculated the population of the parish of St Andrews in the late-sixteenth century to have been between 3-4,000. Parker, 'The Kirk by Law Established', pp.1-2, 24-25, fn.5, while the figures for Ceres have been taken from Webster's census of 1755



which gave a population of 2,540.

13. P.Hair, 'Bridal Pregnancy in Rural England in earlier centuries', *Population Studies* (Nov 1966), pp.239-40.
14. Leneman & Mitchison calculated pre-marital fornication to form between 9-24% of births nationally in the 1760s. Leneman & Mitchison, 'Scottish Illegitimacy Ratios', p.60.
15. Knox, Works, p.508.
16. Stevenson, Presbytrie Booke of Kirkcaldie, pp.294-96, 297 (The Laird of Balmowto in Auchterderran 1646).
17. StAUL/23, 23.4.1673 passim to 1.1.1679.
18. Geoffrey Quaife similarly argued that in early-seventeenth century Somerset, only the wives and daughters of yeomen and gentry adhered at all closely to Christian sexual morality. G.Quaife, Wanton Wenches and Wayward Wives: Peasants and Illicit Sex in early seventeenth century England (London 1979), pp.179, 247 & passim.
19. Graham, A Group of Scottish Women, p.65.
20. In thirteenth-century England which had similar demographic and economic conditions to the sixteenth century, large numbers of girls were bearing bastards, usually the poorest girls from large families with no hope of a dowry. M.Spufford, 'Puritanism and Social Control', in A.Fletcher & J.Stevenson, eds., Order and Disorder in Early Modern England (Cambridge 1985), p.54.
21. Evidence taken from St Andrews Presbytery 1585-1705 and St Andrews K.S. 1559-1600.
22. K.Wrightson & D.Levine, Poverty and Piety in an English Village: Terling 1525-1700 (New York 1979), pp.126-33.
23. Leneman & Mitchison, 'Scottish Illegitimacy Ratios', p.60.
24. StAUL/23, 24.3.1675.
25. SRO/CH2/224/3, 30.7.1701.
26. Leneman & Mitchison also found indoor sex to be prevalent. L.Leneman & R.Mitchison, 'Girls in Trouble: The social and geographical setting of illegitimacy in early-modern Scotland', *Journal of Social History* (forthcoming) 486-88, p.486. It is unlikely that indoor venues only predominated in kirk records because



of a greater propensity of being spotted, as cases usually only came to light as a result of pregnancy, not through voluntary delations.

27. StAUL/23, 7.7.1697.
28. Fleming, St Andrews K.S., pp.238-43.
29. The English musician, Thomas Wythorne, was merely repeating the conventional wisdom of the day when he remarked that 'Though they [women] be weaker vessels, yet they will overcome two, three or four men in the satisfying of their carnal appetites'. Quoted in L.Stone, The Family, Sex and Marriage in England 1500-1800 (Middlesex 1979), p.311.
30. StAUL/23/2, 1.8.1649.
31. StAUL/23/4, 20.5.1696 (and 27.11, 22.12.1695, 5.2, 28.3, 29.4.1696).
32. Ibid., 20.4, 24.9, 15.10, 6.11, 27.12.1701, 25.2, 26.2.1702.
33. StAUL/23, 2.4, 1.4, 6.10.1669 (Minutes of the Synod of Fife included in Presbytery minutes). Although another woman from Arbroath was sent to Barbados in 1666 for adultery it seems to have been an uncommon punishment and there are no records of men or women from Fife being transported there in the records consulted, although there may be cases in the Synod of Fife.
34. Leneman & Mitchison also found that most fornication and adultery was between equals. In the Lothians in the 1680s at least 5.6% of men were fellow servants and 7.4% masters or their sons, while in the 1700s 10.3% were fellow servants and 5.2% masters. Leneman & Mitchison, 'Scottish Illegitimacy Ratios', p.58.
35. For the purposes of calculation all cases of fornication in which the coupe indicated they were intending to marry, whether or not the banns had already been read, were included. Parker calculated that ante-nuptial fornication accounted for 7.5% of fornication cases in St Andrews 1573-1600 but he only included those incidences which occurred between the banns being called and the actual marriage ceremony. Parker, 'The Kirk by Law Established', p.20.
36. Keith Wrightson demonstrated that many bastard-bearers in seventeenth-century England claimed to have been in 'good hope' of matrimony when some external catastrophe - the death or impressment into the army of the intended, or economic recession - threw the marriage plans into abeyance. Wrightson, English Society

- pp.84-86. For the effect of recession on nineteenth century Scottish marriages, see T.C.Smout, 'Scottish Marriage, Regular and Irregular 1500-1940' in R.Outhwaite, ed., Marriage and Society: Studies in the social history of marriage (London 1981), p.229-30.
37. Fleming, St Andrews K.S., p.811.
  38. See Smout, 'Scottish Marriage, for further details. The view that betrothal was a part of marriage and therefore made sex permissable is to be found in several early modern societies - see J.Gillis, For Better, For Worse: British Marriages 1600 to the Present (Oxford 1985), pp.52-54.
  39. Fleming, St Andrews K.S., p.447.
  40. StAUL/CH2/65/1, 19.12.1655, 30.3.1656.
  41. Fleming, St Andrews K.S., pp.254-55.
  42. Ibid., p.184.
  43. According to Ingram, 30-40% of the female offenders in the better recorded cases coming before the Bishop of Salisbury's court in the 1580s and late 1610s claimed some kind of promise or expectation of marriage. Ingram, Church Courts, Sex and Marriage, p.267.
  44. Fleming, St Andrews K.S., pp.29-30.
  45. StAUL/23, 15.11.1664.
  46. Knox, Works, p.514.
  47. Fleming, St Andrews K.S., p.224.
  48. Ibid., pp.178-7
  49. Ibid., p.595. In rural Ireland in the 1930s such women tended to marry men of lower status than would have been the case had they been virgins. A similar situation may have prevailed in seventeenth-century Scotland although no direct evidence of this exists. C.Arensberg & S.Kimball, Family and Community in Ireland C.Arensberg & S.Kimball, Family and Community in Ireland (Harvard 1968).
  50. Fleming, St Andrews K.S., p.142.
  51. Rab Houston discovered a similar situation in Lasswade, Midlothian where an outbreak of 'promise of marriage' bastardy cases appeared in the 1610s and 1620s but seemed to be almost unique for the period c.1600-1800. Personal communication.

52. Leneman & Mitchison found that of 84 repeaters in Ayrshire 1660-1780, 23 were with the same man, 39 with a different man and 22 unknown but probably different, accounting for just under 10% of all fornication cases by the 1720s. Leneman & Mitchison, 'Scottish Illegitimacy Ratios', p.56.
53. Leneman & Mitchison, 'Girls in Trouble', p.489.
54. Of 8,429 cases of illegitimacy in Ayrshire 1660-1780 there were only 78 examples of abandoned babies. Leneman & Mitchison, 'Scottish Illegitimacy Ratios', p.57.
55. S.Ozment, When Fathers Ruled: Family Life in Reformation Europe, (Harvard 1983), pp.216-17, fn.7, has a comprehensive survey of infant mortality rates in early modern Europe.
56. StAUL/23, 14.2.1705.
57. Fleming, St Andrews K.S., p.231.
58. GRO/OPR/453/5, 5.4.1649.
59. Fleming, St Andrews K.S., pp.728-33.
60. Coutts found 24 examples of legacies to illegitimate sons and 25 to illegitimate daughters in the Dumfriesshire testaments 1660-65. Coutts, 'Women Children and Domestic Servants', p.81.
61. Fleming, St Andrews K.S., p.391. I have only come across one example of an unmarried mother being employed as a wetnurse (StAUL/CH2/65/1, 20.6.1647). Furthermore due to a belief that a child might imbue certain of the nurse's qualities through suckling, a woman guilty of fornication was hardly likely to be seen as the ideal candidate. See Marshall, 'Wetnursing', pp.43-51.
62. Edward Burt, Letters from a Gentleman in the North of Scotland to His Friend in London (London 1754), pp.222-23. Quoted in Smith, 'Sexual Mores and Attitudes in Enlightenment Scotland', p.51.
63. GRO/OPR/453/5, 19.11.1646 and 8.11.1649.
64. R.Thomson, Women in Stuart England and America: A comparative study (London 1974), p.243.
65. Act vs 'the halding and keping of bordellis' 1564. RPC, I, 1st series, pp.266-67. Some 'loose' women in Edinburgh also seem to have had regular lovers.

66. Fleming, St Andrews K.S., p.806.
67. StAUL/Ms dep 42/1/4. Similar pronouncements against women living alone were made in Auchtermuchty 1649 (StAUL/CH2/24/1, 9.12.1649), Inverkeithing 1639, (Stephen, Inverkeithing and Rosyth, p.420) and Kirkintilloch 1669 among others.
68. GRO/OPR/453/5, 19.11.1646.
69. Ibid., 20.9.1649.
70. SRO/CH2/523/2, 25.5.1698.
71. StAUL/23/3, 8.4.1657.
72. Ibid., 28.5.1651. Edinburgh town council passed an act in 1636 ordering honest women not to wear plaids, thus making them indistinguishable from prostitutes. Chambers, Domestic Annals, II, p.54-55.
73. APS, III, pp.25-26. For further details of the theoretical and legal position see J.Hardy, 'The Attitude of Church and State in Scotland to Sex and Marriage 1560-1707' (Edinburgh M.Phil 1978) and Smout, 'Scottish Marriage'.
74. Fleming, St Andrews K.S., p.767.
75. Ibid.
76. Parker, 'The Kirk by Law Established', p12. Alexander Broun, for example, a servant, paid 20/- for fornication in 1598 which was equivalent to half a year's fee for him. Fleming, St Andrews K.S., p.849.
77. King argues that in England, men and women were punished for different reasons for bastardy. While women were punished (and imprisoned under Cromwell) primarily on moral grounds, men were punished on an economic basis and were only likely to be imprisoned if they failed to provide economic surety for maintaining their bastard. It was pauper bastardy rather than bastardy per se which was intolerable and c.80% of unwed parents went unpunished. W.King, 'Punishment for Bastardy in early seventeenth century England', Albion, 10:2 (1978), p.135.
78. StAUL/CH2/65/1, 28.11.1646, 12.3.1648.
79. Stevenson, Presbytrie Booke of Kirkcaldie, p.88.
80. StAUL/23/4, 7.6.1699.

81. StAUL/23/3, 3.3.1680.
82. Fleming, St Andrews K.S., p.796.
83. Ibid., p.730.
84. According to Mitchison only 60% of men admitted paternity within a month in eighteenth century Scotland. Mitchison, Talk given at St Andrews on illegitimacy in eighteenth century Scotland.
85. StAUL/23/5, 13.10, 15.11, 13.12.1699, 3.7, 21.8.1700.
86. Fleming, St Andrews K.S., p.646.
87. Ibid., pp.836, 767.
88. StAUL/23/2, 11.5.1642.
89. Fleming, St Andrews K.S., p.536.
90. See for example Fleming, St Andrews K.S., p.536 or StAUL/23, 25.4.1694.
91. Houston & Whyte, Scottish Society, p.4.
92. Kinloch, Selections from the Presbyteries of St Andrews and Cupar, p.110.
93. It would seem that the Hajnal pattern of late and restricted marriage opportunities existed in Scotland where a couple needed to be sure of their financial ability to support a family before marrying. Discussed in Flinn, Scottish Population History, pp.271-83. In 1561 in St Andrews, for example, Robert Anderson and Effie Syme who were accused of fornication, were to continue in service 'for certain yearis' before marrying. Fleming, St Andrews K.S., p.142.
94. MacKenzie, Works, pp.83-85.
95. RPC, 1st series, VIII, pp.552-53.
96. D.Erskine, The Institutes of the Law of Scotland (Edinburgh 1844), p.485.
97. S.Gillan & J.Smith, eds., Selected Justiciary Cases 1624-50, 3 vols, Stair Soc., 16, 27, 28 (Edinburgh 1953, 1972, 1974).
98. RPC, 1st series, VII, p.71.
99. MacKenzie, Works, pp.83-85.



100. Quoted in Sharpe, Crime in seventeenth century England, p.62. English judges were similarly sceptical in rape cases. Of 36 men accused of rape in Essex 1620-80, 7 were found guilty (6 of whom were hanged), 15 were acquitted and 10 were found 'ignoramus'. Ibid., p.63.
101. See for example in the RPC 1st series IX, p.267 an all who was only brought to trial when he abducted and raped his master's daughter, a young virgin and heiress - only then was his reputation for insinuating himself into the favour of a number of young women by 'devilish practices' and deflowering them, brought to light.
102. RPC, 1st series XIII, p.584.
103. SRO/CH2/82/2, 20.11.1694.
104. StAUL/23/3, 31.7.1661.
105. Stevenson, Presbytrie Booke of Kirkcaldie, p.145.
106. Ibid., p.328. Keith Brown cites a case where a father took horrific revenge on a servant he caught fornicating with his daughter, but when the servant died as a result of his injuries, the father was charged with murder. This appears to be the only example of a father (or kin) taking vengeance for rape. K Brown, Bloodfeud in Scotland 1573-1625 (Edinburgh 1986), p.23.
107. Nazife Bashar, 'Rape in England 1550-1700' in London Feminist History Group, eds., The Sexual Dynamics of History, (London 1983) p.36.
108. Stevenson, Presbytrie Booke of Kirkcaldie, pp.76-77.
109. McBean, Burgh Records of Kirkcaldy, p.45 and C.Baxter, ed., Selections from the Minutes of Synod of Fife 1611-1687, Abbotsford Club 8 (Edinburgh 1837), p.6.
110. StAUL/23/1, 22.11.1599 and 25.4.1602.
111. Prosecutions for incest were similarly rare in seventeenth century England. Ingram, Church Courts, Sex and Marriage, p.245. Leneman & Mitchison suggest that offenders might attempt to conceal incestuous links in order to avoid the higher penalty for incest than for fornication. Leneman & Mitchison, 'Girls in Trouble', p.489.
112. Fleming, St Andrews K.S., p.233.
113. Scottish churches do not seem to have put up printed tables listing the prohibited degrees of affinity and consanguinity for marriage as was the case in England.

114. StAUL/23/2, 2.1.1650.
115. Leneman & Mitchison found that most incestuous relationships were cases of affinity rather than consanguinity and suggest that the relative absence of incest between near kin was partly due to the fact that young people left home before puberty, so that sexual relations with, or between them would not have resulted in a tell-tale pregnancy. Leneman & Mitchison, 'Girls in Trouble', pp.489-90. Ingram found a similar preponderance of relationships between affines in England. Ingram, Church Courts, Sex and Marriage, p.247.
116. The lack of privacy in early modern Scotland and the ubiquity of bed-sharing is discussed in Leneman & Mitchison, 'Girls in Trouble', p.487.
117. StAUL/23/3, 6.12.1665 and 2.8.1666.
118. Ibid., 10.12.1673, 26.8, 9.12.1674.
119. Baxter, Synod of Fife, pp.84, 95.
120. Ibid., p.9.
121. StAUL/23/3, 19.10, 9.11, 21.12.1670, 11.1, 2.2, 5.4, 26.4, 1.5.1671.
122. See for example Fleming, St Andrews K.S., pp.350 and 856.
123. There are two incidences of lesbianism outwith Fife: in Lochwinnoch 1649 (RPC 2nd series, VIII, p.198) and at Eglishame in 1625 (J.R.Hardy, 'The Attitude of Church and State in Scotland to Sex and Marriage 1560-1707' (Edinburgh M.Phil 1978) p.588. The universal lack of trials for lesbianism in early modern Europe has been commented on by R.Dekker & L.van de Pol, The Tradition of Female Transvestism in Early Modern Europe (London 1989), p.98.
124. APS, II, p.539.
125. In 1636, for example, Janet Davidson who had borne several children in adultery was not sentenced to death for obvious 'notour' adultery but was ordered to be scourged through Edinburgh, branded on the cheek and banished from the kingdom on pain of death. Hardy, 'Sex and Marriage', pp.389-90.
126. Gillan & Smith, Selected Justiciary Cases, III, pp.689-93.



127. Ibid., pp.835-36.
128. APS, III, pp.534-44.
129. Calvin himself had written that married men should not be executed for adultery as that punishment was reserved for women 'not only [on] account of their immodesty, but also of the disgrace which the woman brings upon her husband, and of the confusion caused by the clandestine admixture of seeds'. Calvin's Commentaries on Genesis, quoted in Hardy, 'Sex and Marriage', pp.424-25.
130. Stevenson, Presbytrie Booke of Kirkcaldie, pp.245, 239.
131. V.Gatrell, B.Lenman & G.Parker, Crime and the Law: A social history of crime in Western Europe since 1500 (London 1980) p.18.
132. Fleming, St Andrews K.S., p.550.
133. Gatrell, Lenman & Parker, Crime and the Law, p.125. Even today married men are still more likely to commit adultery than their wives although the gap is closing.
134. Fleming, St Andrews K.S., p.684. StAUL/23, 23.2.1642.
135. Fleming, St Andrews K.S., p.393.
136. Hay, Lectures on Marriage, p.65.
137. SRO/CH2/523/3, 6.11.1701.
138. Fleming, St Andrews K.S., pp.156-68.
139. Stevenson, Presbytrie Booke of Kirkcaldie, pp.144, 150-52, 159, 226-31, 246.
140. Ibid., pp.37, 62, 64-65, 67.
141. StAUL/23/3, 9.11, 21.12.1670, 11.1, 1.2, 22.2, 5.4, 26.4, 28.6, 26.7, 9.8.1671.
142. Ibid., 14.11, 5.12.1677, 20.2, 13.3, 3.4.1678.
143. StAUL/23/2, 2.2.1642.
144. StAUL/23/3, 11.9.1667.
145. APS, III, pp.81-82.
146. Baxter, Synod of Fife, p.75.

147. StAUL/23/3, 16.6, 30.6, 25.8, 3.9, 22.9, 20.10.1669, 26.1, 9.3.1670.
148. Ibid., 2.6.1680.
149. Ibid., 21.4.1669.
150. Fleming, St Andrews K.S., p.578.
151. StAUL/23/4, 16.3.1698.
152. StAUL/23/2, 21.12, 28.12.1643, 27.3.1644.
153. SRO/CH2/224/4, 23.11.1704.
154. SRO/CH2/224/3, 29.11.1705 passim to 5.4.1710.
155. Margaret Watson, for example, accused James Kirkaldy, a single man, of being the father of her child. He successfully denied the allegation however, pointing the finger at her master, John Knox, a married man. StAUL/23/3, 11.3.1674.
156. Fleming, St Andrews K.S., pp.63-72. Leneman & Mitchison did not come across any examples of girls consenting with married men in the expectation that it would lead to marriage. Leneman & Mitchison, 'Girls in Trouble', p.492.
157. SRO/CH2/82/1, 22.3.1650.
158. Stevenson, Presbytrie Booke of Kirkcaldie, p.80.
159. Ibid., pp.171, 188 - Henrie Alison and Margaret Steinsonm, Auchtertool, 1640-41. For no given reason it appears she satisfied ten months but he only satisfied five and a half.
160. Fleming, St Andrews K.S., p.550.
161. See for example Ibid., p.558, 428.
162. StAUL/23/3, 23.4, 15.6.1672.
163. Fleming, St Andrews K.S., pp.637, 682.
164. SRO/CH2/82/1, 21.10.1647.
165. Stevenson, Presbytrie Booke of Kirkcaldie, pp.248, 259, 264.
166. J.Blyth, Burntisland: Early History and People (Kirkcaldy 1948) p.59, mentions a waiting list for the stool.

167. StAUL/CH2/65/5, 17.3.1776.
168. See for example The Memoirs of Sir Robert Sibbald 1641-1722, F.Hett, ed. (Oxford 1932) or The Diary of Andrew Hay of Craignethan.
169. The Memoirs of Anne, Lady Halkett and Ann, Lady Fanshawe, J.Loftis, ed. (Oxford 1979).
170. A Commissary Court was established in Edinburgh in 1564 and in St Andrews shortly afterwards to deal with matrimonial and other consistorial business previously dealt with by the bishops or pre-Reformation local Commissary courts, although the kirk session also continued to deal with such matters until the 1580s.
171. Fleming, St Andrews K.S., pp.278-81.
172. Ibid., p.174.
173. Ibid., pp.247, 250.
174. See for example Stone, The Family, Sex and Marriage; Ozment, When Fathers Ruled; Houlbrooke, The English Family; A.Macfarlane, Marriage and Love in England: Modes of Reproduction 1300-1840 (Oxford 1986).
175. Fleming, St Andrews K.S., pp.112-31.
176. Memoirs of Sir John Clerk of Penicuik, pp.37-38.
177. Arensberg & Kimball, Family and Community in Ireland, p.117. According to Houston there are some examples of 'professional' marriage brokers operating in Edinburgh in the eighteenth century.
178. Fleming, St Andrews K.S., pp.330, 332.
179. For a discussion of bride-choice endogamy see Houston, 'Aspects of Society', pp.107-127.
180. Knox, Works, p.514.
181. Ibid.
182. Fleming, St Andrews K.S., p.544.
183. Ibid., pp.484-93.
184. GRO/OPR/453/5, 9.7.1645.
185. Knox, Works, p.514.

186. Fleming, St Andrews K.S., pp.185-86.
187. Hay, Lectures on Marriage, p.85.
188. Fleming, St Andrews K.S., pp.404-05, 410, 434.
189. In 1565, for example, St Andrews K.S. dissolved the marriage promise between Joanna Hepburn, natural daughter of Prior Patrick Hepburn and James Beynston after Joanna, supported by witnesses, testified that at the age of 13 or 14 her brother had abducted her from Perth to Stravithy castle without her father's knowledge and threatened to drown her unless she promised marriage with an equally unwilling James, who was threatened with disinheritance. Ibid., pp.234-38.
190. Ibid., pp.229-230.
191. Ibid., pp.366-67.
192. The Diary of Mr John Lamont of Newton 1649-1671, Maitland Club 7 (Edinburgh 1830), p.164.
193. Fleming, St Andrews K.S., pp.30-33.
194. Memoirs of Anne, Lady Halkett, pp.83-84.
195. Sir Robert Sibbald's Memoirs, p.71.
196. Letter of Sir James Melville on his second marriage. Quoted in Smout, 'Scottish Marriage, Regular and Irregular', p.215.
197. Ibid.
198. Diary of James Melvill, pp.61-62.
199. Stone, The family, Sex and Marriage, p.46.
200. Diary of Sir Archibald Johnston of Wariston 1632-1639, G.Paul, ed., SHS 61 (1911), p.177.
201. StAUL/23/3, 6.5.1657.
202. Book of Common Order. Quoted in Marshall, Virgins and Viragos, p.83.
203. Knox, Works, p.445.
204. Fleming, St Andrews K.S., pp.192-93.
205. Paton, An Introduction to Scottish Legal History, pp.99-104.

206. StAUL/23/3, 19.5, 2.6.1680.
207. Fleming, St Andrews K.S., pp.63-72.
208. Diary of James Melvill, pp.97, 119. Melville's contemporary, the minister Robert Blair, similarly spoke of his wife as 'the most comfortable companion to him, especially in secret prayer together'. Life of Mr Robert Blair, minister of St Andrews, containing his autobiography 1593-1636, with a supplement to his life and continuation of the history of the times to 1680 by his son-in-law, Mr William Row, minister of Ceres, T.M'Crie, ed., Wodrow Club (Edinburgh 1848).
209. H.Scott, ed., Fasti Ecclesiae Scoticanæ (Edinburgh 1925) vol V. English evidence on the early-seventeenth century lower-class women who visited the astrologer, Richard Napier, would suggest 'wives expected to be treated fairly and affectionately'. Ingram, 'Sex and Marriage', p.134.
210. G.Eyre-Todd, ed., Scottish Poetry of the Sixteenth Century, (Glasgow 1892), p.234.
211. Sir John Clerk of Penicuik, 'History of the Life and Death of Elizabeth Henderson, my dear Wife'. Quoted in Marshall, Virgins and Viragos, p.90.
212. R.Marshall, Women in Scotland 1660-1780 (Edinburgh 1979), p.27.
213. Ann Oakley, Subject Women (Fontana, 1982), pp.252-53.
214. Ibid., pp.256-57.
215. Fleming, St Andrews K.S., p.28.
216. See, for example, the case of David Cowper and Isobel Ray in 1577, who were ordered to cease 'al fylthye and ungodlye speaking' and adhere to each other under pain of excommunication. Ibid., p.423.
217. Fleming, St Andrews K.S., pp.308-09.
218. StAUL/CH2/24/1, 29.7.1655.
219. GRO/OPR/453/5, 31.8.1648.
220. RPC, 1st series VII, p.159.
221. Fleming, St Andrews K.S., pp.44-50.
222. Ibid., pp.6, 18, 27, 37-41, 59-60.

223. Ibid., pp.59-60.
224. Knox, Works, p.515.
225. Fleming, St Andrews K.S., pp.151-56.
226. Extract from St Andrews K.S. in Miscellany of the Maitland Club, vol 3:ii, Maitland Club (Edinburgh 1843), p.307.
227. Hay, Lectures On Marriage, p.107.
228. Baxter, Synod of Fife, p.68 - 'The minister and sessionne dilated David Fotheringham, ane profaner of the Saboth day and drunkard, noncommunicant, contemner of the ministrie, who lykwayes upon the fifteenth day of August last bypast, past to mercatt, being the Saboth day, and having sold his wyff, is to be charged to the High Commission'.
229. Houston, 'Aspects of Society', p.310.
230. Flinn's calculations were based on regional variations where he found the lowest level of celibacy in Anstruther Easter. Otto's calculations were based on class, where she found that although only 7% of women remained on average unmarried, that figure rose to 30% for the gentry. Quoted in Olwen Hufton, 'Women in History: Early Modern Europe', P & P, 105 (1983), p.129. Wrigley and Schofield calculated that as many as 22.9% of the population of both sexes between 40-44 were still unmarried in England in the later seventeenth century. E.Wrigley & R.Schofield, 'English Population History from Family Reconstitution: Summary results 1600-1799' in Population Studies, 37 (1983), p.168.
231. Sanderson, Scottish Rural Society, p.181.
232. See fn.188.
233. See fn.139.



## THE DEVIANT FEMALE

Illicit sex and witchcraft were, respectively, the most common and the most serious offences dealt with by the church courts, but they also dealt with a miscellany of other faults against good order and religion. There were variations according to offence, but overall male offenders predominated in this section. At presbytery level, women made up 40% of the non-sexual offenders appearing before St Andrews Presbytery 1585-1705 and 47% before Kirkcaldy Presbytery 1630-53. In both these courts women were prosecuted predominantly for witchcraft (36% in St Andrews and 52% in Kirkcaldy), and men for disobedience (18% in St Andrews and 30% in Kirkcaldy). Both men and women were also heavily involved in conventicling in the 1670s and 1680s. [See Figure 8, p.242] Similarly at kirk session level, women generally formed between a third and a half of non-sexual offenders, depending on the particular preoccupations of the minister and elders. In St Andrews 1560-1600, before a more regular pattern of offences and offenders became established, women formed only 21% of non-sexual offenders. By 1645-50 and 1675-80 the pattern had stabilised, and women formed between 33% and 35% of non-sexual offenders, while in Ceres 1644-75 women formed nearly half the defendants. Men and women tended to sin along different lines, with men specialising in



Sabbath-breach and assault, and women in flyting and scolding. [See Figures 9a-b, p.243]

#### Murder and Infanticide

Murder was primarily a criminal offence and usually involved men, although women were often accused of infanticide and offences against children. In Lowland Scotland at least, murder was comparatively uncommon. This may reflect a reluctance to take grievances to court rather than a genuinely low crime rate, although the change in emphasis from restitutive to retributive justice in the early-modern period makes this an increasingly unlikely reason for low recorded crime rates [1]. Most killings developed out of brawls or feuds and rarely involved women either as perpetrators or victims. Thus they formed only a small proportion of those accused before the High Court of Justiciary; between 1661 and 1674 over 161 men were accused of murder or slaughter (in 'gang' attacks precise numbers are not always given) but only eighteen women were so accused [2]. Nevertheless, this proportion (10%) is seemingly higher than the twentieth-century figure of 3% [3]. Perpetrators of non-capital slaughter (who were expected to make public satisfaction to the church) did include a rather larger proportion of women - fourteen men to five women in St Andrews Presbytery 1585-1705 and seven men to five women in Kirkcaldy Presbytery 1630-53.

FIGURE 8

Non-Sexual Offences: St Andrews Presbytery 1585-1705

Number of  
Offenders

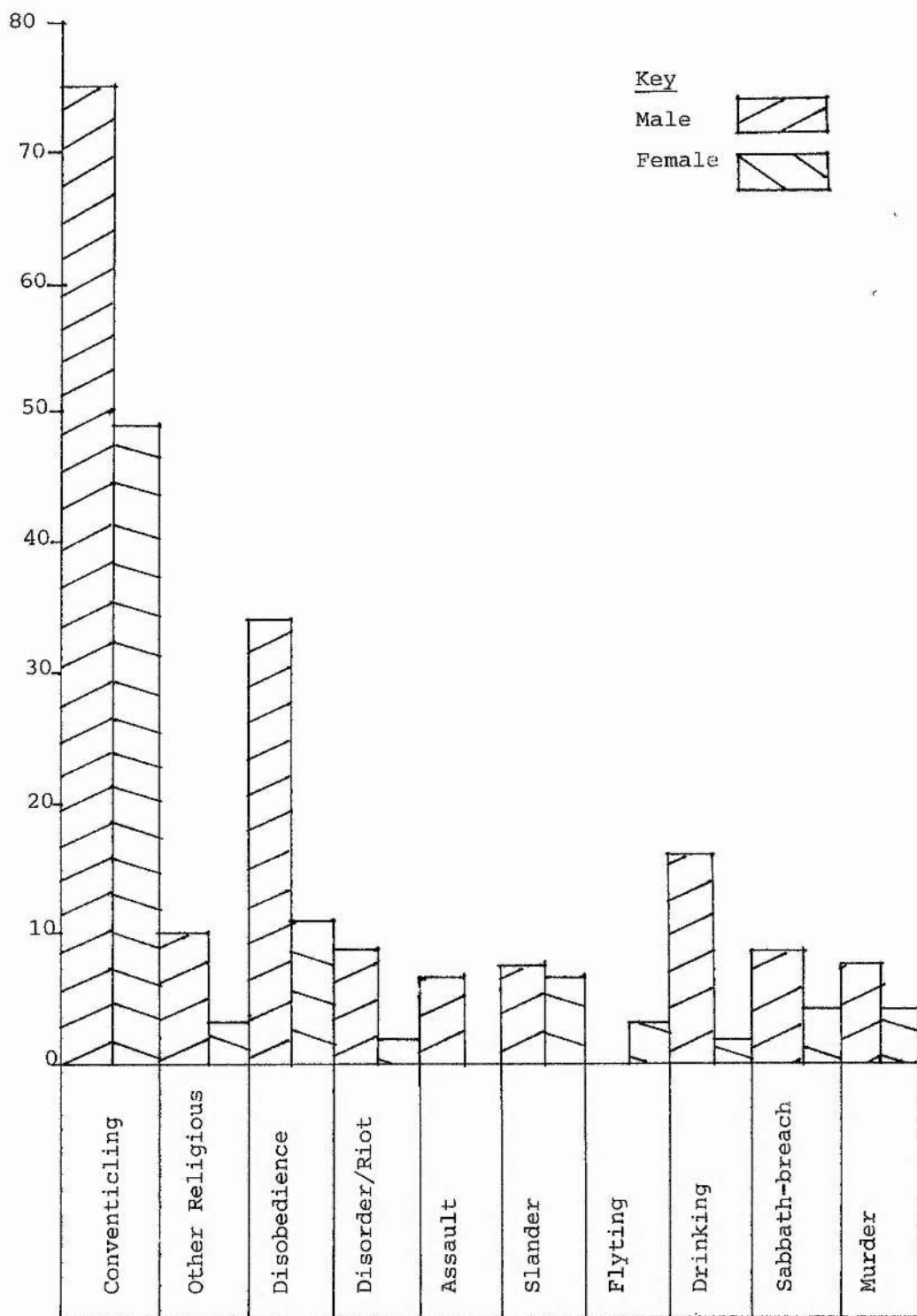


FIGURE 9 (A)

Non-Sexual Offences: St Andrews Kirk Session 1560-1590

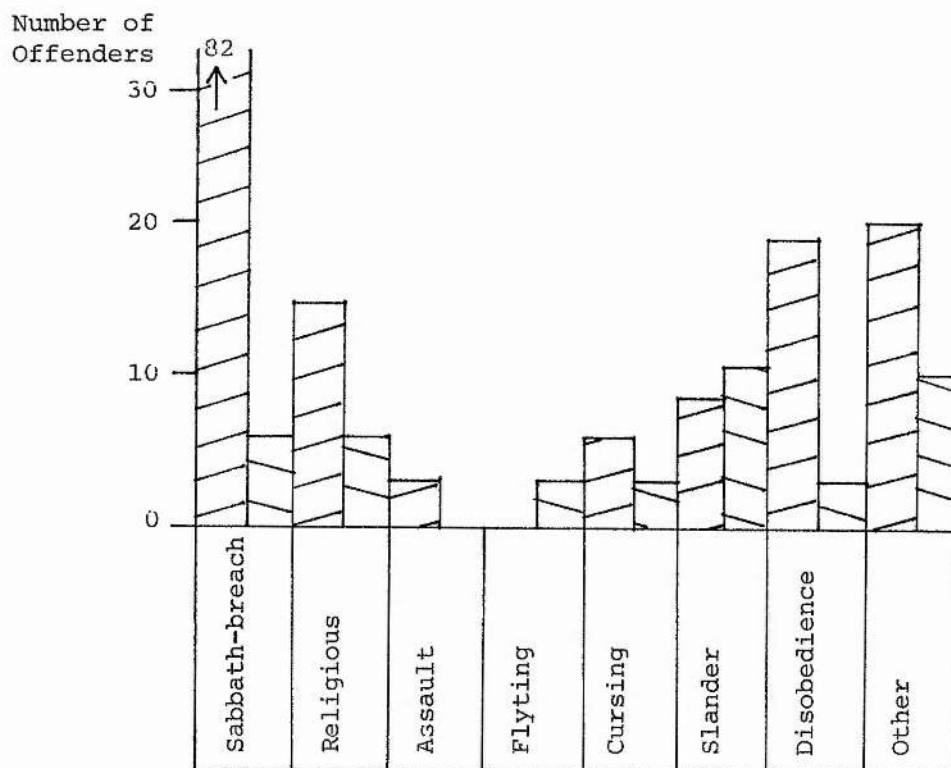
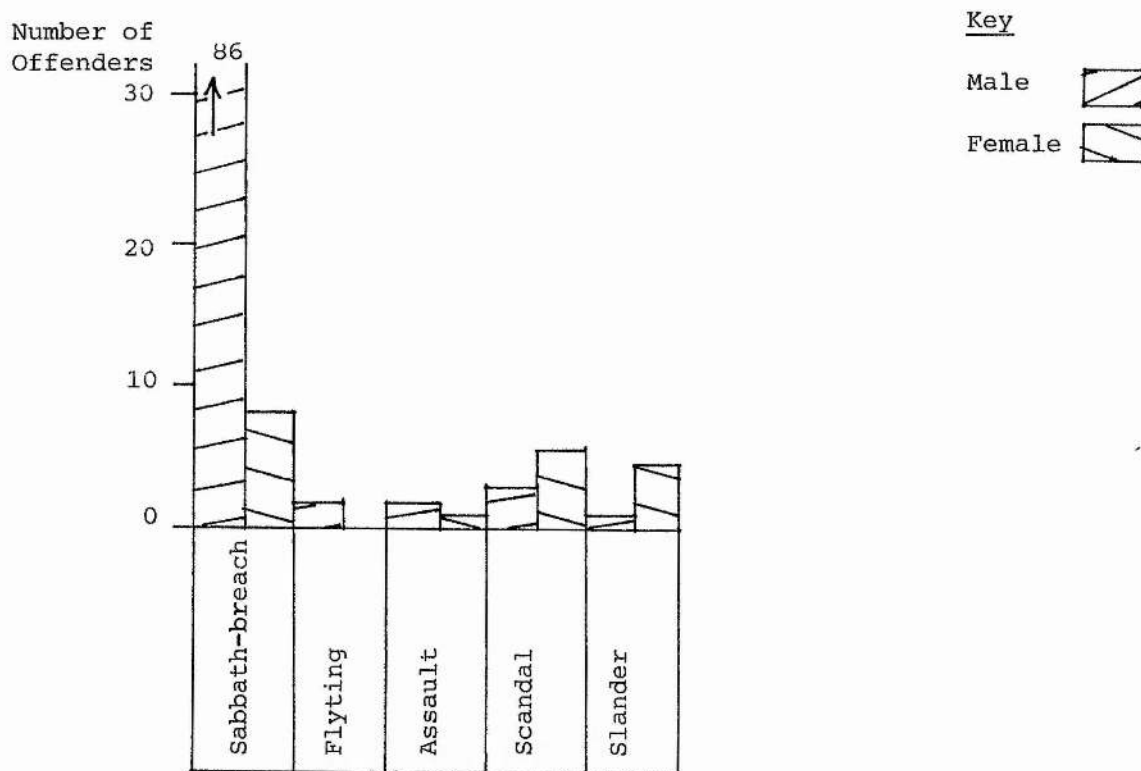


FIGURE 9 (B)

Non-Sexual Offences: St Andrews Kirk Session 1675-1680



Women tended to kill within the family or to kill children, accidentally or otherwise [4]. Apart from one case in Kirkcaldy 1630 where a woman appears to have murdered another woman [5], the victims of all the Fife murderesses in the consulted records were children. This was the one group over whom women had physical superiority. Margaret Lambert, a twelve-year old girl from Tulliallan, for example, was convicted of the 'crewall slauchter and murthour' of a six-year old boy. She was imprisoned in Edinburgh for two and half years and then banished from within a twelve mile radius of the parish and ordered to make public repentance [6]. Other women may have been suffering from undiagnosed mental illness. Agnes Johnstone, for example, a fifty-year old spinster, was sentenced to hang in 1647 for following the advice of 'evil voices' in her head and killing her baby niece [7].

Infanticide and abortion, however, were the female specialities. Of the eight cases of infanticide and abortion dealt with by the Presbyteries of St Andrews 1585-1705, and Kirkcaldy 1630-53, and the twelve dealt with by the Justiciary Court 1624-50 and 1661-74, all were committed by women. Yet these very figures would indicate that infanticide was an extremely rare offence in Scotland [8]. The 'dark figure' of unrecorded killings remains an unknown quantity, but it would have been fairly difficult for an unmarried woman to conceal

her pregnancy in a small community where the elders were always on the look-out for such tell-tale signs.

Married couples were hardly ever prosecuted for infanticide; it would have been much easier for them to disguise the death of their child as a miscarriage, accident or illness, and the motives for murder were less obvious. Nevertheless, before presbyteries became established as the relevant body for infanticide, St Andrews Kirk Session seems to have been exceptional in prosecuting three married couples for allegedly killing their child. Elspeth Cuik and John Myllar were accused of burning their child to death in 1577 although they claimed it was an accident which occurred as their servant slept. The other two incidents, in 1581 and 1589, together with a case against a single woman, Elspet Fogow in 1585, involved accusations of overlaying. The practice of keeping babies in the parental bed was common [9], and must have led to many other such tragedies which have not been recorded. The outcome of the cases is unknown, but any penalties were unlikely to be harsh as the offence was so difficult to prove; moreover the church was more concerned with illicit sex than infant mortality. The victim in three of the four cases mentioned was male so there is no indication of discrimination against female children [10]. Similarly there is no evidence to suggest married couples might practise infanticide in times of

economic hardship.

Legislation was directed primarily against unmarried mothers; the 1690 Act of Parliament against infanticide explicitly stated that 'any woman who shall conceal her pregnancy, during its whole course, and shall not call for, or make use of help in the birth, is to be reputed the murderer, if the child be dead, or a missing'. The law now focused on concealment of pregnancy rather than infanticide itself and was particularly intended to discourage the practice of 'women making away with their children begotten in fornication, to avoid church censures' [11]. Virtually all known infanticide victims were illegitimate.

Where status is given in records, servants appear to have been the most likely people to commit infanticide. This might simply reflect the limited job opportunities open to young unmarried women and does not necessarily indicate a particular need for respectability as may have been the case in seventeenth-century England and nineteenth-century Scotland [12]. The decision on whether to terminate the pregnancy or bear an illegitimate child would depend largely on the relative attitudes of the community towards illegitimacy and infanticide. Abandoning the baby was not really a viable option in a small community as everyone would know who the mother was likely to be. It seems likely that given the



church's success in forcing fathers to help maintain their bastard, and the general toleration of unwed mothers by the community, that there was little need for a woman to resort to infanticide [13]. Fear of public humiliation was probably only a minor consideration compared with the sin and crime of murder. Although one woman who was hanged for infanticide in 1681 declared that she had committed the deed 'to shun the ignominy of the pillory', her case seems to have been exceptional [14]. The vast majority of women chose to bear their bastard. Doubtless they often tried to conceal their pregnancy as long as possible, which could prove fatal in the event of a miscarriage. If a baby's corpse was discovered, respectable matrons were ordered to test any possible mothers for milk in their breasts. Occasionally less scientific methods might be used to convict the murderer - when Marjory Schort's child was found dead in Aberdour in 1667 she was forced to hold the corpse, and when its mouth was seen to open (supposedly in a symbolic plea for vengeance) Marjory confessed her guilt and was remitted to the bailies [15].

Suffocation immediately after birth was the most common method of infanticide, usually committed by the mother acting alone. Barbara Smith, a servant, killed her child by stuffing peats into its mouth and unsuccessfully hid the body in a cellar [16]. Since

the Act of 1690 was directed against concealing pregnancy rather than infanticide per se, a woman would not be hanged even if she gave birth alone and the child was found dead, provided that she had not attempted to conceal her pregnancy. Marion Lawson, for example, admitted giving birth alone and throwing the body down a well but claimed the child had been still-born. As she had not concealed her pregnancy, she was sentenced to be whipped and banished from Midlothian and Lanark, a sentence which Sir George Mackenzie still felt was too harsh in such cases [17].

Very few women felt compelled to resort to infanticide; more may have tried to terminate their pregnancy at an earlier stage by inducing an abortion. According to Mackenzie,

'The taking Potions also, to make one part with Child, abortum procuram, should be a species of Parricide ... since she thus endeavours to kill her own Child; and by the Civil Law it was punished by Death. Both the Physicians who adminstrate the Cure, and the Woman who takes, are equally punishable' [18].

In Scotland, however, abortion does not seem to have been a capital offence. It was hard to prove that a miscarriage had been deliberately induced, and the charge was only likely to be levelled against a woman who had attempted to conceal her pregnancy. Some women may have used sharp instruments to try to destroy the foetus but no evidence of such practices exists, and the numbers of women who may have died in the attempt

remains unknown. Those charged with abortion were invariably accused of taking drugs. Given the state of contemporary medical knowledge, the chance of a potion actually having the desired effect was probably fortuitous, and successful abortion is unlikely to have been a reason for the low level of recorded infanticide. The important factor is that contemporaries believed they might work, and there is no evidence of popular opprobrium against taking abortifacient drugs to destroy an unborn fetus. People were unlikely to delate someone they suspected of attempting abortion, or even infanticide, except out of spite - William Gregory, for example, claimed it was notorious that Elspeth Marchell, who had accused him of fornication with her, had tried to abort her child. Elspeth, however, claimed she had only taken drinks for her health [19]. There are no examples of physicians being charged with procuring an abortion; most potions were home-made or obtained at best from a wise wife [20].

While a woman usually committed infanticide alone, other people might be involved in helping her to abort a child. Margaret Scott was given an abortive drink by her lover, Mr Andrew Allan; Mary Toad (supposedly) by her mother [21]. A girl's mother was the only woman not allowed to testify that a child had been still-born as her evidence would be suspect. In the absence of

pathological evidence abortion was more or less impossible to prove, and there are no recorded convictions. Legal and popular opinion does seem to have been less tolerant of infanticide, but remarkably few cases appear in court records. Partly this was because it was relatively easy for married couples to conceal a killing, while for unmarried women the shame of bearing an illegitimate child was usually not great enough to warrant infanticide. Homicide was gender related; while women were principally guilty of deliberate infanticide or, often accidental, child-killing, men predominated in all other forms of slaughter.

#### Disturbing the Peace

Offences included in this section can be divided into those that were primarily verbal, and those that included physical violence. Women predominated in the former, men in the latter. In an age in which reputation and hearsay played a significant role in legal procedure, verbal insults and aspersions were a matter of considerable concern, both to the individuals involved and to the civil and ecclesiastical courts. While the victim of a slanderous remark might be anxious to clear his or her name, the church was anxious to punish irreligious language and ungodly sentiments. Verbal offences can be divided into those

primarily of interest to the church - blasphemy, cursing and flyting and scolding - and slanderous remarks, of primary importance to the individuals concerned. Punishment of verbal offences was comparatively mild and was typified by an Act of the Synod of Fife in 1641 under which blasphemers, cursers and swearers were to be given a grave private admonishment for the first offence; a public admonishment for the second; given to the civil court and put in the jouns for a third offence and banished for a fourth offence [22]. Nevertheless, some hot-tempered people like Elspeth Pryde of Ceres, who was summoned before the kirk session six times between 1646 and 1661 for flyting, scolding and slanderous remarks, seem to have been tolerated within the community.

Despite the potential importance of preserving a good reputation, relatively few Scots went to the church courts to complain about a slanderous imputation in comparison with contemporary England. This might be because the deposit required from each party (£2 by the Kirk Session of St Andrews for example) would discourage idle or malicious actions or because, unless the slander was likely to have serious repercussions, the antagonists preferred to resort to other informal means of arbitration first. Whatever the reason, cases of slander only occupied a tiny fraction of the

business of the church courts - 3% in St Andrews Presbytery 1585-1705 (a total of nineteen cases), and between 2-3% of the cases coming before St Andrews Kirk Session 1560-1600 (twenty cases), 1645-50 (eleven cases) and 1675-80 (three cases) [23].

At presbytery level slander was more of a male than a female offence, although in the kirk session the ratio of male to female slanderers was fairly equal [24]. It tended to be a gender specific offence with men usually slandering other men and women vilifying other women [25]. The content of the slander also tended to divide along gender lines. This perhaps reflects divisions within the social life of the community, suggesting that each sex tended to associate with, and gossip about its own members. Men tended to accuse each other of theft (five men to two women so slandered) or to cast aspersions on another's religious knowledge or ministerial abilities (at least nine men to only one woman) [26].

Women were far more likely to appeal to the kirk if allegations of a sexual nature were made about them, either by the malicious gossip of other women (at least nine cases) or by male bragging (at least seven cases). Gossip was the means by which women themselves defined and upheld conformist behaviour, particularly with regard to female sexuality. A man's reputation did not rest on chastity to the same extent, however, and only



three men felt the need to defend their sexual reputation [27]. Women might need to defend themselves against men who, out of guilt, bravado or pique at having been rejected, claimed to have slept with them - one young Dysart man was himself appropriately ordered to satisfy as a fornicator after slandering a woman by claiming to have slept with her [28]. If the woman concerned had a good reputation and was the one to alert the church to the slander, she might well be believed. While men were more likely to allege they had had sex with a single girl, women tended only to slander married women. Janet Russell, who admitted scandalous carriage, alleged she had been maliciously slandered of adultery by three other women, one of whom had a grudge against her, leading to her husband's desertion [29]. Surprisingly only four women complained of being slandered as a witch. Calling someone a witch, or a whore, may have been the seventeenth-century equivalent of calling someone a bastard, a term of abuse unlikely to be taken literally, as when Mary Pringle in a fit of anger called Andrew Blacke 'a thief and witchgale' [30]. Alternatively, the rarity of the accusation may be a testimony to the seriousness with which it was likely to be regarded, or it may be that the person so slandered did not want to risk precipitating an investigation which could, at worst, result in their death. Much must have depended on the current local

attitude to witchcraft and the established reputation of the person concerned.

Those victims of slander who did not complain to the kirk session may have directly confronted their accuser, possibly resulting in a case of flyting and scolding, as when Agnes Mathie called Isobel Miller a 'witchbird'. Whether she acted impulsively or deliberately decided on an informal means of redress, Isobel clearly felt the allegation was not serious enough to warrant taking Agnes to court for slander. Her confrontation with Agnes, however, only resulted in finding herself accused of flyting and scolding by Ceres Kirk Session [31]. Flyting and scolding meant, essentially disturbing the peace by publically abusing your family or, more commonly, your neighbours. Quarrels between neighbours reveal something of the frustrations and problems facing women in their daily lives - Janet Young, for example, was rebuked for cursing some boys who had 'closed up her house door' [32], Katherine Christie cursed John Gib's cow for coming through her corn, while Agnes Pryde and her daughter cursed the woman who threw their gear out of the house [33].

Flyting tended to be gender specific - of the thirty-five cases dealt with by St Andrews Kirk Session 1645-50, twenty-three involved only women, six involved only men and a mere eight cases involved people of both

sexes. Unlike England, wives were rarely prosecuted for scolding their husband - if a marital quarrel did come to the attention of the kirk session, they were more likely to reprimand both parties, although perhaps emphasising the woman's fault [34]. In this respect the Scottish church seems to have regarded the relationship between husband and wife either as an equal or as a more private affair than was the case in England. The conviction of a woman for scolding, however, was regarded by Auchtermuchty Session in 1650 as sufficient reason for Rob Baxter to be released from his marriage contract with her [35]. Both in England and Scotland prosecutions for scolding and witchcraft tended to be contemporaneous, being directed against independently-minded women who defied the established social order. In England, witchcraft and scolding peaked between 1560 and 1640 [36], while Scotland appears to have lagged some twenty to thirty years behind. In St Andrews Kirk Session, for example, there was, on average, one case of flyting every three years from 1560-1600. By 1645-50 it had risen to seven cases every year, only to fall back to three per annum by 1675-80. In England it is possible to partially link this new fear of women to changing economic and social patterns, but in Scotland it seems rather to have been simply one aspect of an attempt to establish a godly state and generally tighten-up on law and order.

Although flyters were often accused of cursing each other in the course of their quarrel, they might argue in their defence that it had been no more than angry words, a less serious fault. When Margaret Gib and Margaret Christie were accused of flyting and scolding, for example, they admitted the flyting but denied they had cursed one another [37]. Other women, and men, were accused simply of cursing their enemies without necessarily becoming involved in an argument. Cursing was one of the few female sources of power and revenge, but it could prove dangerous as seemingly effective cursing was one of the principal hall-marks of a witch. Isobel Walker, for example, could easily have been prosecuted for witchcraft if Alexander Dewar had suffered any inexplicable misfortune after she had cursed him saying, 'my maledictione and gods curse be upon you and yours', especially as she already had a reputation as an 'evill tongued woman' [38].

Other than witchcraft, flyting and scolding were the only non-sexual offences of which more women were accused than men, and it was an area in which they faced discrimination. Indeed an Act of the burgh court of Culross in the late-sixteenth century specifically noted that 'na man's wyff nor douchter flyt with their neighbour' [39]. Because male quarrels tended to involve a greater degree of violence they were more likely to come under the category of assault. However

the number of men charged with fighting, whether in church or civil courts, was far less than the number of women accused of flyting, and as it was highly unlikely that men were less prone to quarrelling than women, it would seem that this was an area in which women came up against a traditional prejudice against their acting in a way that challenged conventional expectations of meek female behaviour.

Assault was primarily a criminal offence, and so does not figure significantly in the business of the church courts. There were only sixteen cases of disorder, assault or riotous behaviour in St Andrews Presbytery 1585-1705 and twelve in Ceres Kirk Session 1644-75. Violence, then as now was primarily a male failing - in the presbytery all except one of the cases involved men, while in Ceres all twelve cases were committed by men. Although women were rarely the attackers, they were frequently the victims. In Ceres seven of the victims were female, including four cases of wife-beating, compared to five men. It is possible, however, that the number of all-male fights was under-reported, either because the church and community felt that male aggressiveness did not necessarily transgress the moral bounds of society to the same extent as female belligerence, or because there was less likely to be a victim in an all-male fight who could only exact redress through a court. Even in the

civil courts there were remarkably few cases of assault [40] as violence, from gentry feuds to wife-beating, was probably more of an accepted way of life, and often regarded less seriously than crimes against property [41]. Punishment was comparatively lenient, usually entailing a sharp rebuke before the kirk session and a fine. Cupar Burgh Court, for example, supposedly charged £5 for striking someone, £50 for drawing blood and £50 for 'troubling the toun' [42] although few could have afforded such fines. Corporal punishment was the likely alternative - one woman was threatened with being branded on the cheek if she did not obey a court ruling to stop troubling her brother's wife and children [43].

Although the scarcity of cases makes it difficult to generalise about the identity of victims and assailants, it seems women tended to attack other women; in 1602 Elspeth Lyndsaye, for example, was fined 6/- for 'casting of stanes at [Margaret Deas] on the Kingis gait' in Dysart [44]. Others acted in partnership with their husbands, as when James Symson and his wife were jointly accused of assaulting Meg Thomson, a servant [45]. Higher up the social scale, Janet Wemyss, Lady Carslogie made an attempt on the life of her adulterous husband, Robert Boswall through the medium of her sons and servants as the actual assailants [46]. As victims, women were most commonly



attacked by husbands, although one woman claimed her son had roughed her up [47] and another was hit in the street by an elder, for which he was to pay £5 to her and £5 to the town [48].

While women were rarely involved in assaults against other individuals, they did play a significant part in the communal action of the mob, the only form of direct political action open to disenfranchised men and women although very little evidence of rioting exists for seventeenth-century Fife. Most of our information comes from the eighteenth and nineteenth centuries when women were particularly involved in church patronage, food and militia riots, making up 46%, 28% and 6% respectively of the known rioters throughout Scotland, although their less accountable position in law meant comparatively few of them ended up in court [49]. As a result, women were sometimes used by men to instigate riots. In Burntisland 1615, when the Queen's chamberlain and other crown officials arrived at the mercat cross to serve writs of warning to remove on certain residents, they were met by 'ane multitude of weemen, above ane hundir, off the bangstar Amazone kind [who] maist uncourteously dung them off their feet', took their letters and precepts from them and 'sae staned and chased [them] out of the town'. The bailies did nothing, not surprisingly as one of their wives was among the ringleaders, but the real

instigator of the riot was the popular local minister, Mr Watson, who was noted for his opposition to the king's ecclesiastical policy [50].

Religion was the commonest cause for rioting in the sixteenth and seventeenth centuries, and the area in which women were particularly involved. The issue most open to contention in the religious see-sawing of the seventeenth century, was the right of the congregation to elect or approve their own minister. Although women were generally excluded from the government of the church, as in practice were most men, they were active members of the congregation, and when they felt the congregation's wishes with regard to their minister were about to be over-ruled, they joined forces with their menfolk to protest. In 1655, for example, the proposed transference of the minister at Tayport to Strathmiglo was opposed by a group of about seventy people, mainly women [51]. In the eighteenth century women were to become heavily involved in the riots against the re-establishment of church patronage in 1712; the first example of which occurred in Burntisland in 1713 when Mr Thomas Russell, who was not the popular candidate, was refused entry to the church by a mob of women and was warned by the bailies that unless he left the town immediately they would not answer for his safety [52].

To a much lesser extent women were involved in opposing military recruitment. In 1682, for example, when some young recruits were being marched down an Edinburgh street, women in the crowd called out 'Pressed or not Pressed'? When they replied in the affirmative the women began pelting their guard with missiles from a nearby building site, upon which the soldiers turned on the mob and fired, killing nine [53]. In the eighteenth century Scotswomen, as in England even earlier, were to become heavily involved in food riots, but the government in seventeenth-century Scotland was active in preventing forestalling. In 1637 the Privy Council ordered Justices of the Peace to set local victual prices at a reasonable level in order to prevent regrating and forestalling - 'crimes verie detestable and odious both before God and man' [54]. Later on in the century women assembled alone or with men to prevent contraband goods falling into the hands of the excisemen, as at Bo'ness in 1703 where 300 women assaulted officers trying to recover undeclared tobacco [55].

With a few exceptions, the women who participated in riots, like the men, were from the lower ranks. Women did not bond together to protest at their inferior position in society and there were no all-female issues. Women allied themselves along the lines of class or ideology rather than gender. In

1628, for example, a group of excommunicated Catholic women in the south-west of Scotland 'raised a mob against the minister and schoolmaster', only to end up attacking their wives and servants as easier targets [56]. Nevertheless, the extent of women's involvement in specific riots indicates their particular areas of concern which, in the seventeenth century, were principally religion and the question of military service for their sons and husbands.

#### Offences against Religion

It would be difficult to overestimate the importance of religion in the sixteenth and seventeenth centuries, and in the church courts there were two types of offence in particular that reflected this concern. One was the prosecution of Sabbath-breakers, the other was the persecution, albeit in a generally relatively mild form, of those who failed to adhere to the current religious ideology.

After sexual offences, Sabbath-breach was the most widespread misdemeanour dealt with by the kirk session. In St Andrews it accounted for 13% of the session's business 1560-1600, although by the late 1640s it was by far their most common offence, accounting for 37% of business 1645-50. Thereafter Sabbatarianism declined, and by 1675-80, although it was still the most common offence in St Andrews, it had slipped back to 30%; in

Ceres the fall was still more marked, falling from 36% in 1644-58 to only 3% in 1666-79. Whether the declining numbers of Sabbath-breakers was due to the success of the church's campaign to convince the nation of the sanctity of the Sabbath or, more likely, because their enthusiasm for the campaign was beginning to wane, remains debatable. Brackenridge suggests the enforcement of Sunday observance in post-1689 Scotland was not as strict as some contemporaries desired, or later generations imagined [57].

Worshipping the Lord was not an optional activity; in 1595 St Andrews Kirk Session reaffirmed its determination that 'na persoun of laifull age be fund nor sein, tyme of sermone, vagand idill furth of the kirk, eftir the ringing of the thrid bell to sermone, nor exercesing ony busines temporall, nor at playis nor gammis', under pain of a 20/- fine and a Sabbath on the stool of repentance. There were also sermons on Wednesdays and Fridays which were to be attended under pain of a 6/8d, fine but there is little evidence that this ordinance was actually applied [58]. The attempts of the session to enforce godliness were not always popular, and in 1574 St Andrews found they had to arm the bailies and elders patrolling the streets in search of Sabbath-breakers [59]. Many, like David Russall, thought it 'no great offence' when he was seen coming in from the fields with his horse on a Sabbath [60].

Parents and masters were to be responsible for those in their household, according to an Act of Parliament in 1644. In 1646 St Andrews Kirk Session ordered masters to take note of their servants who only came to weekday services to gaze at the opposite sex [61], and occasionally masters were admonished for letting their servants work on the Sabbath [62]. Rank could play a decisive role; when one anonymous woman confessed in 1644 'shee hes not beene in the kirk at publicke worship thrie yeirs together' she was ordered to make public repentance for several Sabbaths and was referred to the magistrates [63]. At the same time when Sir James Lundie was accused of staying away from the church and of disrespect to the minister, the presbytery thought fit to treat him leniently [64]. Generally, however, punishment was simply a sharp rebuke, although habitual offenders might be ordered to satisfy one Sabbath or find themselves referred to the magistrates.

Sabbath-breakers, or at least those that were discovered, were more likely to be male than female. In St Andrews 211 men and 38 women were prosecuted in the forty years from 1560-1600. By 1645-50 the numbers had risen proportionately to 202 men and 47 women but had fallen back again by 1675-80 to 86 men and 7 women. Details of what people were doing when they were not in the church depend largely on where the elders were



patrolling and what they were currently interested in repressing. In April 1675 and June 1677 St Andrews Session paid particular attention to people brewing on the Sabbath; in July and August 1678 it was people harvesting or chatting in the churchyard during worship. Despite the fact that it was men who were more likely to be found breaking the Sabbath, St Andrews Session noted in September 1646 and March 1647 that the elders were specifically to take note of women and children on the streets or sitting under stairs chatting after divine service. Few, however, seem to have been found or charged. The activities of Sabbath-breakers reveal certain gender splits in society. [See Table 9, p.266] Men were to be found working at their trade or in the fields, fishing or travelling; women also travelled and worked in the fields but were most likely to be seen carrying water or food through the streets.

By far the most common alternative Sunday occupation for men, however, was 'vageing' - lounging around aimlessly. The other alternative, and the one favoured by women, albeit to a lesser extent, was drinking. Although being drunk on the Sabbath was singled out for particular censure, immoderate drinking at all times was condemned and prosecuted by the session due to a fear that drunkenness was likely to lead to other more reprobate activities, such as

TABLE 9

Sabbath-Breakers: St Andrews K.S. 1590-1600, 1645-1650and 1675-1680 and Ceres K.S. 1644-1675

Occupation	St Andrews 1590-1600		St Andrews 1645-1650		St Andrews 1675-1680		Ceres 1644-1675		TOTALS		
	M	F	M	F	M	F	M	F	M	F	All
Working	15	4	5	3	7	0	8	0	57	9	66
Selling	2	3	2	2	0	0	1	0	5	5	10
Brewing	0	1	5	2	1	1	0	0	6	4	10
Travelling	14	0	2	2	0	0	6	8	22	10	32
Drinking	18	0	16	13	11	2	15	4	60	19	79
Playing	31	5	9	0	11	0	7	5	58	10	68
Vageing	7	0	100	11	28	0	0	0	135	11	146
Carrying	0	0	3	13	4	0	0	3	7	16	23
At Home	0	0	2	4	2	0	3	4	7	8	15

gambling, licentiousness or disorder [65]. In St Andrews, 3% of offences between 1560 and 1600 were connected with drinking, other than on the Sabbath, 6% between 1645 and 1650 and 3% 1675-80.

Men were more likely to get publically drunk than women. In St Andrews, fifty men and two women were charged with drunkenness 1560-1600, twenty-six men and ten women in 1645-50. Women may have drunk more moderately or more discretely than men, but there was no particular condemnation of women who drank; brewing was seen as a normal part of a housewife's work, while running an alehouse was regarded as a perfectly respectable occupation for a widow. Although there was mixed social drinking in alehouses and private homes, people tended to choose their immediate group of drinking cronies from their own sex; five St Andrews men, for example, were warned in 1594 to stop their 'nicht walking and extraordin drinking' together [66] while in 1648 two women were delated for being found at home drinking together at the time of the sermon [67].

Women appear to have frequented the church more regularly than men, although the comparative lack of female Sabbath-breakers may simply have been because women were more likely to have stayed indoors and out of sight of the patrolling elders. On the other hand, women may have been more anxious to be seen to conform, in body if not in spirit, as St Andrews and other kirk

sessions found it necessary to remind women not to cover their heads with their plaids during the sermon, thus enabling them to doze off all the more easily [68]. Nevertheless, as in many Christian societies, it was often the women who were most strict in their observance of the faith, and Scotswomen, whether as supporters or opponents, were actively involved in the religious debates and conflicts of the age.

Very few people were prosecuted for unorthodox religious beliefs or recusancy in the aftermath of the Reformation, and women even less so than men. In St Andrews Presbytery 1585-1705 nine men but only one woman were questioned about their religious beliefs while in the Kirk Session 1560-1600 there were nineteen men to seven women. However, in the later seventeenth century, when the established church felt particularly threatened by the Conventiclers, there was a significant increase in the numbers of people charged, and women began to figure almost as frequently as men. In St Andrews Presbytery fifty men and forty-one women were prosecuted for conventicling, nearly all in 1676, while twenty-five men and eight women were charged with disorderly marriage or baptism, the latter sacrament being one in which men were seen to be more responsible than women.

In the sixteenth century a few women were charged with failing to conform to the new religion; Elizabeth Arnot, for instance, wife of one of the bailies of Crail, stood up during the minister's sermon against papists in October 1561 and cried out, 'It is schame to yow that ar gentillmen that ye pull him nocht out of the pulpot by the luggis!' Her words must have had some effect since William Mortoun, a landowner of Cambo, was accused the same day of threatening to do just that [69]. Over a hundred years later another woman, Isobel Lyndsay, of diametrically opposed religious views, was banished from St Andrews for railing at the archbishop during his sermon [70].

The English occupation in the 1650s brought new religious sects to Scotland, and a few people became involved with the Quakers, Anabaptists and other groups. Such sects tended to give women a greater role and influence than was usually the case, even allowing them to preach. In the Presbytery of Cupar in 1657 there were four Anabaptists - a man and three women, at least one of whom held fast to her religious beliefs and was excommunicated [71], and there was at least one Quaker couple residing in Leuchars in 1678 [72]. Quakers, Anabaptists and other sectarians did not suffer much persecution however, as they had few adherents and so posed little threat to the established church, unlike the Covenanters in the late-seventeenth

century.

In the 1670s and 1680s those who opposed the re-establishment of episcopacy at the Restoration, held their own illegal meetings, conventicles, under the direction of ministers who had been 'outed' from their parishes for refusing to accept Charles II. The movement was at its strongest in the south-west of the country, although it also had a significant following in Fife. In 1663 an Act was passed laying down financial penalties on those not going to the parish church. Women were not included in this Act but as they were among the chief offenders [73], it was soon found necessary to hold their husbands responsible, although husbands and wives did not necessarily hold the same religious views and wives could, and did, follow the dictates of their own conscience. According to the Earl of Rothes in 1665,

'I dear say if it wear not for uimin uie should have litile trubell with conventicklis or such caynd of stuff, bot ther ar such a ffulith (foolish) jenerasione of pipill in this cuntrie who ar so influensied with ther fanatick wayffs (wives) as I thinck will bring reuin upon them' [74].

Landowners were made responsible for their tenants, but women were also fined in their own right for conventicling and withdrawing from the established church - in 1682, for example, eight men and five women from Aberdour were fined £300 each for their beliefs [75]. One particular female Fife Covenanter whom we



know about through a short biography written for the instruction of other children, was Emelia Gedde (1665-81), daughter of John Gedde of Hiltoun in Falkland. Praised for her 'sweet, modest, meek and humble' disposition [76], Emelia possessed a gravity and wisdom beyond her years, shunning all idle and vain behaviour in order to further her spiritual development. Before her third birthday she had composed her own grace; she corrected servants who swore, and together with her friends, founded a praying society; yet in the presence of minsters and her elders she remained invariably humble.

Although women played an important part in religious life, they were not emancipated by the Reformation. Women's piety was to be of a humble and contemplative nature. They were denied access to positions of authority within the church although it was seen as right and fitting that they should play a responsible part in educating their children in religious knowledge. James Melville, for instance, praised his sister who had taken care of him when he was younger, for coming into his room at night to read and pray with him, and from whose example he learnt much about faith [77].

Although they might hold strong religious beliefs, these were not always the ones currently in favour, and women, both as individuals and in groups, were to be found risking condemnation and punishment in an attempt to uphold their faith. The divisive nature of religious belief in the seventeenth century meant that one sect's saint was another's sinner; nevertheless, just as the witch and the scold provided a negative image of womankind, so the pious woman like Emelia Gedde provided a fairly universal role model of the ideal woman.

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Women formed a minority of defendants in all non-sexual offences with the exception of verbal abuse and infanticide, supporting the conclusions of sociological studies that women are less likely to become involved in criminal activities, although when they do, it is for the same reasons as men. Women were not punished any more harshly than men for the same offence, although there were certain types of behaviour, notably flyting and scolding, where their defiance of the conventional image of the submissive woman was considered unacceptable, and where they did face discrimination.

Women were less likely to question the authority of the church. St Andrews Presbytery 1585-1705, for example, dealt with thirty-four men but only eleven women who were contumacious, while St Andrews Kirk Session dealt with twelve men to four women between 1645 and 1650. Nevertheless, some women had little respect for the ecclesiastical establishment. Marion Gibb, for example, petitioned for release from excommunication in 1669, 'but withall spake slightingly of her Minister and that he had not delt with her as became him'. Marion was told to expect no favours from the presbytery until she showed more respect [78]. Others found themselves in trouble for cursing their delators [79] or the elders who scrutinised their behaviour; Elspeth Syme, an inveterate trouble-maker from Auchtermuchty, was put in the branks in 1654 for cursing John Moncreiff, an elder, saying 'it is my divin labour and my morning labour to curs you and your family ye ar a scourger of the poor and heavier of the poor' [80], but most deemed it wiser to keep their thoughts to themselves.

In conclusion, women had a greater respect for authority and law and order, which was not determined by a particularly harsh punitive policy towards them, but the result of a natural tendency [81] to avoid risks, as well as the cultural conditioning that made them equally more receptive to religious influences.

### The Deviant Female - Notes

1. Lenman and Parker found very low recorded crime rates in eighteenth-century Argyll of c.2 per 100,000 of population, compared to c.50 per 100,000 of population today. B.Lenman & G.Parker, 'Crime and Control in Scotland 1500-1800' in History Today 30 (Jan 1980), p.14. J.Cockburn found a similarly low rate of murder in seventeenth century England (c.2 per 10,000 population) although Stone argues that the murder rate was higher than in nineteenth or twentieth-century England. J.Cockburn, ed., Crime in England pp.55-57 and Sharpe, Crime in Seventeenth Century England, p.135.
2. According to the criminal court records crime was, and is, primarily a male activity; in the Books of Adjournal 1662-66 [W.Scott-Moncrieff, ed., Records of the Justiciary Court at Edinburgh 2 vols SHS 48-49 (1905)] and The Privy Council 1675, women figured in 11% of the criminal cases mentioned. Similarly in fourteenth century England the ratio of female to male felons was 1:9. B.Hanawalt, 'The Female Felon in fourteenth century England', Viator 5 (1974), p.254. Of the 17 female offences mentioned in The Books of Adjournal 1662-66, 7 involved infanticide, 2 witchcraft, 2 murder or slaughter, 2 theft, 2 adultery, 1 usury and 1 deforcement. The dangers inherent in relying on such records becomes apparent, however, when one realises that far more women were prosecuted for witchcraft than for any other offence in the early 1660s but this has not emerged in the Books of Adjournal. Furthermore certain female crimes such as infanticide may be easier to conceal. Women were more likely to come into conflict with the law at a lower level however; a third of those appearing before the burgh court of Kirkintilloch 1658-94 were women, who were mainly accused of stealing, particularly food or fuel. G.Pryde, ed., The Court Book of the Burgh of Kirkintilloch 1658-1694. SHS 3rd series 53 (1963).
3. A.Arnett & J.Duncan, The Scottish Criminal (Edinburgh 1970) p.129.
4. In England wives were associated with pre-meditated murder often as a result of an extra-marital affair, while they themselves were the victims in three-quarters of all marital killings. Cockburn, Crime in England, p.57. In the Scottish records consulted, however, there was only one case of husband-killing, that committed by Margaret Hamilton which was tried before the High Court of Justiciary in 1665. The only examples of wife-killing were in the

Justiciary Court in 1669 and a case in Auchtermuchty in 1662 where a miller, John Lumsden, and his two children were accused of murdering his wife. According to Sir George MacKenzie it was lawful for a father or husband to kill a wife and her lover caught in the very act of adultery, but no examples of this have come to light. MacKenzie, Works, p.100.

5. Euphan Gibb was ordered to be summoned before the Presbytery of Kirkcaldy in 1630 for the murder of Elspeth Whytt. Stevenson, Presbytrie Booke of Kirkcaldie, pp.21-22.
6. Gillan & Smith, Selected Justiciary Cases, III, pp.731-33.
7. Scott-Moncrieff, Records of the Justiciary Court, p.254.
8. There are conflicting opinions as to whether infanticide was a common offence in England. Sharpe, writing about seventeenth century Essex found it to be one of the most frequently prosecuted cases with a high capital conviction rate. Sharpe, Crime in seventeenth century England, pp.135-37. R.Malcolmson, however, regarded it as relatively uncommon, accounting for only 1% of indictments in late eighteenth century Staffordshire. 'Infanticide in the Eighteenth Century' in Cockburn, Crime in England, p.191.
9. Overlaying was the second commonest specific cause of 'accidental' death in early-modern London. Houlbrooke, The English Family, p.139.
10. Fleming, St Andrews K.S., pp.424, 467, 558, 653.
11. Erskine, Institutions, p.481. A similar statute was passed in England in 1623 making the murder of a bastard a capital felony as some women were supposedly so afraid of being sent to the newly-established houses of correction with their high mortality rates that they would rather murder their bastard than admit their guilt. King, 'Punishment for Bastardy', p.133.
12. Sharpe, Crime in seventeenth century England, pp.135-37 and Malcolmson, 'Infanticide in the eighteenth century', p.201, suggested servant women faced possible dismissal without a reference if their pregnancy was discovered. A similar situation may have existed in seventeenth-century Scotland but no positive evidence remains.
13. Leneman & Mitchison suggest fewer than 1% of women bearing a bastard committed infanticide. Leneman & Mitchison, 'Girls in Trouble', p.495.



14. Chambers, Domestic Annals, II, p.414.
15. Ross, Aberdour and Inchcolm, p.336-37. Corpses were supposed to bleed when touched by their murderer but this does not seem to have been judged necessary in this case.
16. Scott-Moncrieff, Records of the Justiciary Court, I, p.81.
17. Ibid., p.113.
18. MacKenzie, Works, p.113.
19. StAUL/CH2/23/3, 4.12.1672.
20. Fleming, St Andrews K.S., p.689.
21. Ibid., p.649-50 and StAUL/CH2/23, 19.10.1670.
22. Baxter, Synod of Fife, p.125.
23. The level was similarly low in civil courts - in Kirkintilloch burgh court 1658-94, for example, there were only 9 slanderous accusations, mainly of petty theft, in 36 years. Pryde, The Burgh Court of Kirkintilloch 1658-1694.
24. St Andrews Presbytery 1585-1705 dealt with 20 men to 9 women while Kirkcaldy Presbytery 1630-53 dealt with 13 men to 5 women. At kirk session level St Andrews 1560-1600 dealt with 11 men and 11 women, Ceres 1644-75 with 9 men to 12 women and Auchtermuchty 1649-58 with 15 men to 12 women.
25. In St Andrews 1645-50, for instance, there were 5 cases involving only women, 4 cases involving only men, 1 case involving married couples and only 1 case of cross-gender slander.
26. See for example StAUL/CH2/23, 2.6, 16.6, 7.7, 10.11, 22.12.1697 when John Smart, a pack driver, accused the minister of Leuchars of unedifying sermons. Due to the paucity of evidence this, and subsequent remarks on the subject matter of slanderous imputations are taken collectively from all the sources listed in footnote 24.
27. Similarly in early-modern England sexual defamation cases, particularly of a non-specific nature, were more likely to be brought before the church courts by women (60-70%), reflecting the double standard of sexual morality. Ingram, Church courts, Sex and Marriage in England, p.302.



28. Stevenson, Presbytrie Booke of Kirkcaldie, p.238.
29. StAUL/CH2/23/3, 9.2, 22.3, 19.4, 3.5, 17.5, 31.5, 14.6.1676.
30. StAUL/CH2/65/1, 18.6.1656. For an abusive accusation of witchcraft which was accepted see Smout, Scottish Trade, p.57.
31. StAUL/CH2/65/1, 28.10.1649.
32. Ibid., 11.5.1656.
33. Ibid., 3.8.1653.
34. See for example StAUL/CH2/23, 15.3.1643.
35. StAUL/CH2/24/1, 27.1.1650.
36. D.Underdown, 'The Taming of the Scold: The enforcement of patriarchal authority in early-modern England' in Fletcher & Stevenson, Order and Disorder, p.119.
37. StAUL/CH2/65/1, 10.9.1648.
38. Ibid., 13.5.1649.
39. Beveridge, Culross and Tulliallan, p.122.
40. In Kirkintilloch burgh court 1658-94, for example, there were only 13 incidents of assault, 10 of which were committed by men. Pryde, The Burgh Court of Kirkintilloch.
41. Sharpe, Crime in seventeenth century England, p.118.
42. Cited in Di Folco, 'Aspects of Seventeenth-century Social Life', p.290.
43. Ibid., p.290-91.
44. Muir, Gleanings from Dysart, p.49.
45. Ibid., p.49.
46. Fleming, St Andrews K.S., p.211.
47. Ibid., pp.329-30.
48. McBean, Burgh Records of Kirkcaldy, p.157.
49. Logue, Popular Disturbances, p.203. According to Logue, only 15% of those prosecuted for rioting in Scotland 1780-1815 were female.

50. Blyth, Burntisland, p.46.
51. Houston, 'Women', p.137.
52. Blyth, Burntisland, pp.56-57 and SRO/CH2/224/4, 23.4.1713.
53. Chambers, Domestic Annals, III, p.437-48.
54. RPC., 2nd series VI, pp.438-39.
55. Smout, Scottish Trade, p.40.
56. Chambers, Domestic Annals, II, p.19.
57. R.Brackenridge, 'The Enforcement of Sunday Observance in Post- Revolution Scotland 1689-1733' in Records of the Scottish Church History Society, 17 (1972), 33-45, p.45.
58. Fleming, St Andrews K.S., p.807.
59. Ibid., p.391.
60. GRO/OPR/453/5, 17.8.1648.
61. Ibid., 4.3.1647.
62. The favourable treatment given to masters is seen in the case of John Carstairs, merchant in St Andrews, who was admonished in his seat while his four servants were to make public repentance and pay a fine of 20/- each for travelling with their packs at his command on the Sabbath. Fleming, St Andrews K.S., p.921-22.
63. StAUL/23/2, 18.12.1644.
64. Ibid., 24.4.1644.
65. See for example Fleming, St Andrews K.S., p.432.
66. Ibid., p.793.
67. GRO/OPR/453/5, 29.1.1648 (wife of Alexander Aiken and Cristen Ramsay).
68. Ibid., 27.4.1648, 24.5.1649 and SRO/CH2/390/2, 30.8.1642.
69. Fleming, St Andrews K.S., pp.104-11.
70. StAUL/23/3, 1.12.1672.

71. Kinloch, Selections from the Presbyteries of St Andrews and Cupar, pp.177-79, 181-82.
72. StAUL/CH2/23, 13.3.1678.
73. According to the Privy Council in 1684 'women were the chief formenters of these [conventicling] disorders'. Cited in Houston, 'Women', p.137.
74. Cited in Graham, A Group of Scottish Women, p.79.
75. Ross, Aberdour and Inchcolm, p.268.
76. G.Whitefield, ed., The Life of Emelia Gedde (Kirkcaldy 1805) p.v.
77. James Melville, Autobiography, p.13.
78. StAUL/CH2/23, 17.3.1669.
79. Christian Gibb, for example, was ordered to sit three days in the joughs and on the stool for publically cursing the man who delated her for scandalous carriage. Stevenson, Presbytrie Booke of Kirkcaldie, p.173.
80. StAUL/CH2/24/1, 6.8.1654.
81. Arnott & Duncan, The Scottish Criminal, p.134.

## CONCLUSION

The period 1560-1700 saw little change in women's position, which, in theory and law at least, makes depressing reading. The traditional productive role of women in a pre-capitalist economy remained essentially unaltered throughout the entire period, although their exact position depended more on their class than their gender. Society continued to be hierarchical and patriarchal, run by men for the benefit of the establishment. Lower-ranking men also suffered discrimination but misogyny exacerbated the problems women had to face. Their credibility in a court of law was questioned and their labour undervalued and underpaid. Traditionally regarded as mentally and morally inferior to men, women were denied access to anything but the most basic education, thus perpetuating the. Their credibility in a court of law was questioned, their labour was The male establishment was firmly in control and it saw no moral reason to doubt its justification. It was a power that could be enforced effortlessly because it was not questioned. Nevertheless, women's legal rights were stronger in Scotland than in many other countries, including England, and, in practice, male domination was often tempered by affection, respect and an appreciation of women's vital role in society.

The post-Reformation church courts were among the first institutions to introduce some idea of sexual equality, as the commands of the church regarding moral conduct applied in principle, and generally in practice, to men and women alike, although preferential treatment according to class did have an immutable hold. Yet the church found it hard to reconcile deeply engrained beliefs in the inferiority of women with the idea of equality of souls and women did suffer a certain degree of discrimination, albeit in a very limited form by contemporary standards. The church retained an innate suspicion of female sexuality and in certain circumstances regarded women as the root of all evil by arousing lustful desires in men. This was particularly noticeable in cases of incest or master/servant fornication where no allowance was made for the fact that the woman may have been exploited against her will. Most serious was the attitude of the church, and state, with regard to rape, which, in the modern sense of the word, was hardly deemed to exist. Judges had no sympathy for a woman who claimed she had been raped and were only likely to charge her with slander or fornication. She was unlikely to be believed unless a man under whose control she was (i.e. a husband or father) complained on her behalf at the violation of his property rights.

Nevertheless, in many matters the church treated women more fairly than the state did. In civil law adulteresses suffered discrimination with regard to property rights, whereas the church regarded the adultery of a married man as equally sinful as that of a married woman. There was little infanticide in Scotland as the church did its best to ensure the father was held responsible for his actions and made to contribute towards the upkeep of an illegitimate child. In paternity disputes a man's oath as to whether he did or did not have sex was generally, although not invariably, taken in preference to that of his partner, but in most cases, unlike in secular courts, a woman's testimony was usually accepted as equally valid as that of a man. Men and women were usually given the same punishment for like offences, indeed sometimes women benefitted from positive discrimination so, for example, they were often given smaller fines in recognition of their weaker financial status.

Women were not chaperoned in seventeenth century Scotland but allowed to mix freely with men at work and at play. No unnaturally this sometimes led to sex. There would often be one or two women tolerated within the community as an 'easy lay', but most fornication took place between consenting equals, sometimes, but not necessarily, in the expectation of marriage. Women's sexuality was not denied; an illegitimate child



would not ruin a woman's reputation. Yet marriage was more important for women than for men, both for financial reasons and in terms of self-worth. Practical considerations and affection were both taken into account when looking for a partner, and most women certainly expected love to develop after marriage, if not before. Divorce was an impossibility for most people. Sex was seen as a vital factor in marriage for both men and women although women were regarded as the subservient partner in bed. A wife had a sworn duty to obey her husband who was entitled to chastise her by moderate beating if she did wrong, although the practice was falling out of favour with the moralists. Nevertheless, a wife was both a material and an emotional helpmate to her husband and most women would have been too aware of their vital role in the household to tolerate abuse or undue domination. Court records may emphasise division and strife rather than harmony but they leave an oblique impression of a rough equality between the sexes. Although in the last resort a court would favour the man as natural head, in everyday situations women generally appear as a more or less equal partner in the relationship; some would be meek and mild, others would be viragos brooking no opposition. Each marriage was a private and unique affair, yet the impression gained is that marital relationships at the lower end of the social scale were not significantly different from those pertaining

today.

A certain distinction needs to be made between the lives of working women and women of the leisured classes. According to seventeenth-century male diarists, the latter were but shadowy figures on the edge of the male arena of political, religious and national events. Their role, in essence, was conspicuous by its absence or marginality. Women were confined to the domestic sphere where their abilities were respected as complementing the male role. They were expected to devote themselves to the needs of others, but this does not necessarily mean they were unfulfilled or unhappy.

While upper-class women led lives relatively separate from that of their menfolk, necessity and custom demanded that lower-ranking women worked alongside men in the fields and often acted as their business partners in the marketplace. In times of crisis women had as vital a role to play as men - in 1650 when Burntisland was hard pressed to defend the town against Cromwell, the town council employed women as well as men to work on the defences [1]. In play too, men and women socialised together in the alehouse - they drank together, slept together and quarrelled with each other with little indication that man acted as superior or woman as inferior. Daily life at peasant level did not warrant or allow such

distinctions.

There were some forms of segregation; in church men and women sat separately so, for example, the Dunfermline Hammermen had their trade seats but let their womenfolk squat on the floor [2] but most segregation was probably more through choice and preference than from moral censure or conspiracy. Men and women may have worked together and socialised together in the alehouse but women tended to spend much of their time with other women and chose their closest friends from among their own sex. They gossiped with and about women but any real solidarity amongst them was illusory. Gossip was the means by which women themselves defined and upheld conformist behaviour and women would rather denounce an errant member of their sex rather than risk being tarred with the same brush. There were no all-female issues causing women to riot, no consciousness of oppression, only a fear of being labelled a dangerous non-conformist.

Men feared and castigated women who were too independent as a threat to the status quo and, in the last resort, such women might be persecuted as witches as the only means of ridding the community of an undesirable member. The witch personified a negative image of woman as cantankerous, malicious and non-conforming. The establishment's innate suspicion of women meant any behaviour regarded as unfeminine was

suspect and women, for their own welfare, needed to conform to a greater extent than men. Elders were specifically warned to look out for women breaking the Sabbath, when, in reality, women were, if anything, the more religious sex. Women flyting and scolding with their neighbours would be charged, whereas men would only be prosecuted if the quarrel ended in violence. Although women spent a lot of time in the company of other women, the pressures put on them by the establishment to conform prevented them from really bonding together to defend their common interests.

Treated as second-class citizens in theory and law, enjoying a rough equality in practice, women sometimes turned to witchcraft or religion to counteract their impotence, cultivating the spiritual realm as men controlled the worldly sphere. Being labelled a witch might give an otherwise powerless woman a degree of influence in the community, albeit a dangerous one. Other women placed their hopes in a better after-life and became ardent supporters of one or other of the various religious factions. Yet Scotswomen of all classes appeared to accept the status quo as divinely ordained and did not question their role and status in society. Knowing no alternative, they may not have found it intolerable [3].

Perhaps the last word should be left to one of the very few low-born seventeenth-century Scotswomen who left an account of their feelings. Janet Pollok wrote a very short diary which was essentially a religious confession of God's love for her. An orphan, she left her foster parents at the age of thirteen to enter service in a household where she could have more time for her devotions. She married an elder and had four children, only to be widowed when they were still young. Despite a hard life with few material comforts she was 'soe satisfied with my lott in the world quhen I kneu that I had an interest in Christ, I was weel satisfied.' [4]

### Conclusion - Notes

1. Young, Burntisland, p.131.
2. D.Thomson, The Dunfermline Hammermen (Paisley 1909), pp.69-70.
3. This was unlike the situation in seventeenth-century England where the period witnessed the first rumblings of a proto-feminist controversy when women like the playwright, Aphra Behn, and the essayist, Mary Astell, challenged the perceived notion of the feminine.
4. Diary of Janet Pollok, transcribed by Mr Wodrow 1705, minister at Eastwood. In Analecta: Materials for a History of Remarkable Providences; mostly relating to Scotch Ministers and Christians, vol I, Ed., R. Wodrow. Maitland Club (Edinburgh 1842), pp.74-81.



# APPENDIX

## CALENDAR OF WITCHCRAFT IN FIFE 1563-1710

### KEY

Marital Status:	U - Unknown
	S - Single
	M - Married
	W - Widowed
Trial Status:	Men - Mentioned as a witch
	Proc - Pre-trial proceedings initiated
	Com - Commission to try individual
	T - Taken to trial
	(C) - Only appears to be accused of charming
Fate:	Acqu - Acquitted
	Caut - Released on caution
	Misc - Miscellaneous outcome - escape, suicide
	NCP - Non-capital punishment
	NK - Not known
	Ex - Executed

### Source:

L	C Lerner, CH Lee & HV McLachlan: <u>A Source-book of Scottish Witchcraft</u> (Glasgow 1977).
L*	Case mentioned in Lerner et al but fate revised.
AnK	L McBean, ed., <u>The Kirkcaldy Burgh Records 1562-1907</u> (Kirkcaldy 1908).
Bev	D Beveridge, <u>Culross and Tulliallan</u> (Edinburgh 1885).
Black	G Black, <u>A Calendar of Cases of Witchcraft in Scotland 1510-1727</u> (New York 1938).
Cam	J Campbell, <u>The Church and Parish of Kirkcaldy from the Earliest Times till 1843</u> (Kirkcaldy 1904). (1904).
Cell	J Campbell, <u>Balmerino and its Abbey</u> (Edinburgh 1867).
Gib	A Gibson, <u>Extracts from Ancient Records of the Burgh of Dysart 1533-1763</u> (1865).
Gour	G Gourlay, <u>Anstruther: Illustrations of Scottish Burgh Life</u> (Anstruther 1888).
Hall	P Hall, <u>The Kirk of Cleish 1208-1928</u> (Privately printed 1937).

- Hndr E Henderson, Annals of Dunfermline (Glasgow 1879).
- Jack J Jack, The Key of the Forth: Historical Sketches of the Island of May (Edinburgh 1888).
- Kin G Kinloch, ed., Selections from the Minutes of the Presbyteries of St Andrews and Cupar 1641-1698, Abbotsford Club (Edinburgh 1837).
- Lyon CJ Lyon, History of St Andrews, Episcopal, Monastic, Academic and Civil; comprising the principal part of the history of Scotland, from the earliest age till the present time, 2 vols. (Edinburgh 1843).
- Mack A Mackay, A Sketch of the History of Fife and Kinross (London 1890).
- Muir W Muir, ed., Gleanings from the Records of Dysart 1548-1796, Maitland Club 73 (Edinburgh 1862).
- Ross W Ross, Aberdour and Inchcolm (Edinburgh 1885).
- Shear A Shearer, Extracts from the Burgh Records of Dunfermline in the Sixteenth and Seventeenth Centuries (Dunfermline 1951).
- Sin G Sinclair, Satan's Invisible World Discovered (1685) (Reprinted Edinburgh 1874).
- Steph W Stephen, History of Inverkeithing and Rosyth (Aberdeen 1921).
- Stev Stevenson, The Presbytrie Booke of Kirkcaldy 1630-53 (Kirkcaldy 1900).
- Syn C Baxter, Selections from the Minutes of the Synod of Fife 1611-1687, Abbotsford Club 8 (Edinburgh 1837).
- Young A Young, History of Burntisland (Kirkcaldy 1924).
- RPC Register of the Privy Council
- StA/23 Presbytery of St Andrews Minutes (StAUL/23/1-3).
- CH2/3 Kirk Session of Aberdour Minutes (SRO/CH2/3/1).
- CH2/82 Presbytery of Cupar Minutes (SRO/CH2/82/1).
- CH2/105 Presbytery of Dunfermline Minutes (SRO/CH2/105/1-2).
- CH2/150 Kirk Session of Ferryport Minutes (StAUL/CH2/150/1).
- CH2/224 Presbytery of Kirkcaldy Minutes (SRO/CH2/224/1-3).
- CH2/365 Kirk Session of Wemyss Minutes (SRO/CH2/365/1).
- CH2/390 Kirk Session of Dysart Minutes (SRO/CH2/390/1-2).

CH2/472 Kirk Session of Kinghorn Minutes (SRO/CH2/472/1) .

CH2/523 Kirk Session of Burntisland Minutes (SRO/CH2/523/1-3) .

CH2/592 Kirk Session of Dunfermline Minutes (SRO/CH2/592/1) .

OPR/403 Kirk Session of Anstruther Wester Minutes (GRO/OPR/403/1) .

OPR/422 Kirk Session of Dalgety Minutes (GRO/OPR/422/1) .

OPR/443 Kirk Session of Largo Minutes (GRO/OPR/443/1) .

OPR/453 Kirk Session of St Andrews Minutes (GRO/OPR/453/5) .

B/9/11 Burgh Court Records of Burntisland (SRO/B/9/11/4-10) .

<u>Name</u>	<u>Date</u>	<u>Place</u>	<u>Mar Status</u>	<u>Trial Status</u>	<u>Fate</u>	<u>Source</u>
Margaret Reid	-	Kirkcaldy	U	Men	Misc	L
Katherine Shaw	-	Kirkcaldy	U	Men	Misc	L
Patrick Adamson	-	St Andrews	U	Men	NK	L
Archbishop Sharp	-	St Andrews	U	Men	NK	L
1-3 women	1563	Fife	U	Men	NK	L
Agnes Mullikine	1563	Dunfermline	U	T	NCP	L
Witches	1569	St Andrews	U	Men	Ex	L
Lyon King of Arms	1569	St Andrews	U	T	Ex	L
Nic Neville	1569	St Andrews	U	T	Ex	L
Woman	28.4 1572	St Andrews	U	Men	Ex	L
Mariorye Smytht	25.1 1575	St Andrews	M	Men	Misc	L

Bessy Robertsoun	26.10 1581	St Andrews	U	Men	NK	L
Alesoun Piersoun	28.5 1588	St Andrews	U	T	Ex	L
Agnes Murie	26.3 1590	Abdie	U	Proc	NK	StA/23
Euphame Lochow	28.5 1590	Crail	U	Proc	NK	StA/23
Woman	1591	Dunfermline	U	Men	NK	Hndr 240
Jonet Laquhor	15.3 1593	Pittenweem	U	Proc	NK	StA/23
Agnes Meluill	10.9 1595	St Andrews	U	T	Ex	L
Elspot Gilchrist	10.9 1595	St Andrews	U	T	Ex	L
Jonet Fogow	28.12 1596	Anstruther	U	Proc	NK	OPR/403
Cristen Miller	28.12 1596	Anstruther	U	Men	NK	OPR/403
Margaret Atkin	1597	Balweary	U	T	Ex	L
Janet Smyth	1597	Burntisland	U	T	Ex	L
Elspet Olyphant	26.5 1597	Carnbee	U	Men	NK	StA/23
Helen Juland	26.5 1597	Carnbee	U	Men	NK	StA/23
Witch	26.5 1597	Crail	U	Proc	NK	StA/23
David Zemand	5.5 1597	Pittenweem	U	Proc	Ex	StA/23
Thomas Watson	26.5 1597	Pittenweem	U	Proc	Ex	StA/23
Wife of Jon Boycen	26.5 1597	Pittenweem	M	Men	NK	StA/23

Beatrice Adie	26.5 1597	Pittenweem	U	Men	NK	StA/23
Jonett Williamson	9.6 1597	Pittenweem	M	T	Ex	StA/23
Beatrice Forgeson	7.6 1597	Pittenweem	U	T	Ex	StA/23
Margaret Smith	2.6 1597	Largo	U	Proc	NK	StA/23
Many Witches	13.7 1597	St Andrews	U	T	Ex	L
Jonnett Finlasoun	26.7 1597	Burntisland	M	T	Acq	L*
Woman	-.8 1597	Largo	U	Proc	NK	StA/23
Janet Bennettie	-.8 1597	Kirkcaldy	M	Proc	Acq	AnK 148
Bessie Scot	-.8 1597	Kirkcaldy	U	Proc	Acq	AnK 148
Margaret Smith	-.8 1597	Kirkcaldy	M	Proc	Acq	AnK 148
William Patersone	-.8 1597	Kirkcaldy	U	Proc	Acq	AnK 148
Bessie Osatt	-.8 1597	Kirkcaldy	U	Proc	Acq	AnK 148
Issobel Jak	-.8 1597	Kirkcaldy	U	Proc	Acq	Ank 148
Goillis Hoggone	-.8 1597	Kirkcaldy	W	Proc	Acq	AnK 148
Beigis Blakatt	-.8 1597	Kirkcaldy	U	Proc	Acq	AnK 148
Thomas Jamieson	-.8 1597	Kirkcaldy	U	Proc	Acq	AnK 148
Issobel Jonstoun	-.8 1597	Kirkcaldy	M	Proc	Acq	AnK 148
Margaret Elder	-.8 1597	Kirkcaldy	M	Proc	Acq	Ank 148

Margaret Williamson	-.8 1597	Kirkcaldy	M	Proc	Acq	Ank 148
Issobel Rannaldsone	-.8 1597	Kirkcaldy	U	Proc	Acq	AnK 148
Marion Rutherford	-.8 1597	Kirkcaldy	M	Proc	Caut	Ank 148
(Woman) Fittheguttar	-.10 1597	Pittenweem	U	Men	NK	StA/23
Janet Allane	1598	Burntisland	U	T	Ex	L
Elspot Yreland	16.4 1598	Anstruther	M	Proc (C)	NK	OPR/403
Alesoun Pervie	26.10 1598	Craill	U	Proc	NK	StA/23
Geilly Gray	26.10 1598	Craill	U	T	Misc	L
Jonet Small	20.10 1598	Largo	U	Proc	NK	StA/23
Margaret Ferniy	4.9 1599	Anstruther	U	Proc	NCP	OPR/403
Beatrice Traill	29.12 1603	Largo	U	Proc	NK	StA/23
Christen Traill	22.12 1603	Largo	U	Men	NK	StA/23
Agnes Anstruther	22.12 1603	Dysart	M	Men	NK	StA/23
Dorathie Oliphant	6.6 1604	Kirkcaldy	U	T	NCP	L
Grissel Gairdner	7.9 1610	Newburgh	W	T	Ex	L
Agnes Anstruther	1613	Kirkcaldy	U	Proc	Misc	L*
Issobel Johnestowne	1614	Newburgh	U	T	NK	L
Agnes Anstruther	1614	St Andrews	U	T	NK	L
(Woman)	1616	Abdie	U	Men	NCP	Syn



Kynneir							83
Margaret Law	1616	Cupar	U	Men	NK	Syn 83	
Helen Birrell	27.5 1616	Kirkcaldy	M	Proc	NCP	Cam 166	
Isobel Hervie	2.8 1619	Kirkcaldy	U	Proc (C)	NK	Cam 166	
Margaret Wod	30.1 1621	Craill	U	Com	NK	L	
Bessie Chalmers	13.2 1621	Inverkeithing	U	Com	NK	L	
Marioun Chatto	13.2 1621	Inverkeithing	U	Com	NK	L	
Margaret Donaldson	1621	Inverkeithing	U	Com	NK	Steph 437	
Christiane Hammyltoun	13.2 1621	Inverkeithing	U	Com	NK	L	
Bessie Harlaw	13.2 1621	Inverkeithing	U	Com	NK	L	
Margaret Kent	13.2 1621	Inverkeithing	U	Com	NK	L	
Beatrice Mudie	13.2 1621	Inverkeithing	U	Com	NK	L	
Christiane Cowper	29.3 1621	Culross	U	Com	NK	L	
Marioun Rutherford	1621	Kirkcaldy	M	Com	NK	L	
Alison Dick	1621	Kirkcaldy	M	Proc	NCP	AnK 39	
Jonet Dryburgh	19.11 1621	Burntisland	M	Proc	Misc	CH2/523	
Alesoun Hutchesoune	28.8 1622	Aberdour	W	Men	NK	L	
Agnes Quarrier	28.8 1622	Aberdour	W	Men	NK	L	

Agnes Robersone	28.8 1622	Aberdour	M	Men	NK	L
Janet Robertsonsone	28.8 1622	Aberdour	M	Men	NK	L
Helene Cummyng	28.8 1622	Aberdour	W	Com	NK	L
Marjorie Aitkyne	27.2 1623	Inverkeithing	U	Com	NK	L
Bessie Andersone	27.2 1623	Inverkeithing	U	Com	NK	L
Christiane Balfour	27.2 1623	Inverkeithing	U	Com	Misc	L*
Elizabeth Brown	27.2 1623	Inverkeithing	U	Com	Ex	L*
Margaret Bull	18.3 1623	Inverkeithing	U	Com	Misc	L*
Marjory Gibsoun	-.2 1623	Inverkeithing	U	T	NK	L
Christiane Harlaw	27.2 1623	Inverkeithing	U	Com	Misc	L*
Marioun Hendersone	27.2 1623	Inverkeithing	U	Com	NK	L
Jonet Keirie	18.3 1623	Inverkeithing	U	Com	NK	L
Margaret Kynnell	27.2 1623	Inverkeithing	U	T	NK	L
Bessie Logie	27.2 1623	Inverkeithing	U	Com	Misc	L*
Margaret Merschell	27.2 1623	Inverkeithing	U	Com	Misc	L*
Jonet Robertsonsone	18.3 1623	Inverkeithing	U	Com	Misc	L*
Beatrice Thomsone	18.3 1623	Inverkeithing	U	Com	NK	L
Johne Young	27.2 1623	Inverkeithing	U	Com	Misc	L*

Thomas Greave	1.8 1623	Cleish	U	T	Ex	L
Marioun Stirk	19.2 1624	Culross	U	Com	NK	L
Jonet Umphra	19.2 1624	Culross	U	Com	NK	L
Jonet Watt	19.2 1624	Culross	U	Com	NK	L
Marjorie Rowand	19.2 1624	Culross	U	Com	NK	L
Alexander Clerk	19.2 1624	Culross	U	Com	NK	L
Mayse Umphra	19.2 1624	Culross	U	Com	NK	L
Anna Smyth	19.2 1624	Culross	U	Com	NK	L
Jonet Tor	30.3 1624	Culross	M	Com	NK	L
Helene Ezatt	30.3 1624	Culross	U	Com	NK	L
May Sharp	3.6 1624	Culross	U	Com	NK	RPC (13) 513
Margaret Ballanie	3.6 1624	Culross	U	Com	NK	RPC (13) 513
Richard Cosie	22.3 1625	Dysart	M	Proc	NK	CH2/390
Wife of Richard Cosie	29.3 1625	Dysart	M	Men	NK	CH2/390
ElsPET Mackie	5.4 1625	Dysart	U	Proc (C)	NK	CH2/390
Marjorie Patersone	29.7 1625	Crail	U	Com	NK	L
Isobel Makie	23.10 1625	Burntisland	U	Men	Acqu	CH2/523
Issobel Mawer	16.3 1626	Wemyss	U	Com	NK	L

Jonnet Pedie	13.4 1626	Wemyss	U	Com	NK	L
Helene Dryburghe	13.4 1626	Wemyss	U	Com	NK	L
Helene Darumpill	13.4 1626	Wemyss	U	Com	NK	L
Patrik Landrok	13.4 1626	Wemyss	U	Com	NK	L
Jonnet	20.6 1626	Wemyss	W	Com	NK	L
Women	1626	Kirkcaldy	U	Proc	NK	Cam, 168
Janet Stark	4.4 1626	Kirkcaldy	U	Com	NK	RPC (2/1) 293
Janet Pirie	4.4 1626	Kirkcaldy	U	Proc	NK	Cam 167
Helen Birrell	27.5 1626	Kirkcaldy	M	Proc	NK	Cam 167
Janet Rankine	5.5 1626	Dysart	U	Proc	Misc	L
David Dalmie	30.5 1626	Dysart	U	Men	NK	CH2/390
Elizabeth Ross	6.6 1626	Dysart	M	Com	NK	L
Jonnet Avrie	2.6 1626	Dysart	U	Com	Ex	RPC (2/1) 292
Jonet Lathrisk	2.6 1626	Dysart	U	Com	Ex	RPC (2/1) 292
Jonett Pratt	2.6 1626	Dysart	U	Com	Ex	RPC (2/1) 292
Margaret Thomsone	11.7 1626	Dysart	U	Com	NK	RPC (2/1) 83
Annas Munk	21.9 1626	Dysart	U	Com	NK	L
Elspe Neilson	-.9 1626	Dysart	U	Com	NK	L

Witch	20.9 1626	Dysart	U	Com	Ex	RPC (2/1) 414
Helene Wilsoun	21.11 1626	Dysart	U	Com	NK	L
Witches	1627	W Fife	U	Men	NK	Hndr, 297
Margaret Hendersoune	17.5 1627	Wemyss	U	Com	Ex	L*
Kathrene Crystie	17.11 1627	Dysart	W	Com	NK	L
Elspet Baird	1628	Burntisland	U	T	Ex	L
Effie Hering	1628	Dunfermline	U	T	Ex	Shear 159
Jonnat Reany	23.4 1628	Dunfermline	M	Com	NK	L
Bessie Stobie	4.6 1628	Dunfermline	U	Proc	Caut	Shear 159
Janet Thomson	4.6 1628	Dunfermline	U	Proc	Caut	Shear 159
Alexander Drummond	24.3 1629	Dunfermline	U	Com	Ex	L*
Margaret Callander	21.1 1630	St Andrews	U	Com	NK	L
Elspet Bladderstouns	11.2 1630	Torryburn	U	Com	NK	L
Janet Wilkie	20.3 1630	W Wemyss	M	Com	NK	L
Eufame Walker	16.2 1630	Dysart	U	Men	NK	CH2/390
Bessie Williamson	28.3 1630	Dysart	U	Proc	Misc	CH2/390
Janet Firsice	23.3 1630	Dysart	U	Proc	NK	CH2/390
Katherine Chrystie	16.3 1630	Dysart	W	T	Ex	L

Janet Scot	11.3 1630	Dysart	U	Com	NK	L
Janet Galbraith	11.3 1630	Dysart	U	Com	NK	L
Bessie Guidale	11.3 1630	Dysart	U	Com	NK	L
Helen Bissat	11.3 1630	Dysart	U	Com	NK	L
William Broun	11.3 1630	Dysart	U	Com	NK	L
Alison Neving	21.4 1630	Dysart	U	Com	NK	L
Margaret Dasoun	21.4 1630	Dysart	U	Com	NK	L
Janet Beverage	21.4 1630	Dysart	M	Men	Misc	L
Bessie Beverage	26.7 1630	Dysart	U	Men	NK	CH2/390
Isobel Nicholl	15.6 1630	Dysart	U	T	Acq	CH2/390
Marion Buttall	15.6 1630	Dysart	U	T	NK	CH2/390
Janet Grund	15.6 1630	Dysart	U	Proc	NK	CH2/390
Katherine Grund	15.6 1630	Dysart	U	Proc	NK	CH2/390
Elspet Watsoun	8.7 1630	Dysart	U	Com	NK	L
Michael Erskine	2.4 1630	Newbyres Mill	U	T	Ex	L
Bessie Pursell	1631	Fife	U	Proc	Acqu	RPC (2/4) 111
Helen Reid	12.2 1631	Kinghorn	U	Men (C)	NK	CH2/472
(woman) Walker	5.10 1631	Inverkeithing	U	Men	NK	L

Margaret Nicholsone	1632	Kirkcaldy	U	Proc (C)	NCP	Stev 38
Woman	12.1 1632	Dysart	U	Men	NCP	L*
Barbara Brodie	19.2 1632	Burntisland	U	Men	NCP	CH2/523
Alison Dick	22.5 1633	Kirkcaldy	M	T	Ex	L
William Coke	- .12 1633	Kirkcaldy	M	T	Ex	L
Woman	1635	Crail	M	Men	Ex	Jack, 39
Woman	1635	Crail	M	Men	Ex	Jack, 39
William Hutchen	5.5 1636	Kinghorn	U	Proc (C)	NCP	Stev 92
Janet Bruce	24.11 1636	Kirkcaldy	U	Proc	NK	Stev 108
Eppie Laing	1636	Kirkcaldy	U	Men	Ex	Gour, 4
Witch	1636	Kirkcaldy	U	Men	Ex	Gour, 4
Witch	1636	Kirkcaldy	U	Men	Ex	Gour, 4
Janet Layng	1637	Kirkcaldy	U	Men	NK	Stev 114
John Patowne	6.4 1637	Dysart	U	Proc	NCP	L*
Margaret Couper	8.10 1637	Burntisland	U	Men	NCP	CH2/523
Margaret Bannatyne	1638	Kirkcaldy	U	Proc	NK	Stev
Marioun Grig	19.7 1638	Kirkcaldy	U	Men	Acqu	L*
Christiane Wilson	4.10 1638	Kirkcaldy	M	Men	NK	L
Janet Durie	27.12 1638	Wemyss	U	T	NK	L



ElsPET Syme	24.9 1639	Dysart	U	Men	NK	CH2/390
Janet Limnerman	25.2 1640	Dysart	U	Proc	NCP	CH2/390
Margaret Douglas	13.2 1640	Kirkcaldy	U	Proc	Acqu	Stev 162
Bessie Walwod	4.6 1640	Dysart	U	Proc (C)	NCP	Stev 77
Margaret Lindsay	10.7 1640	Kirkcaldy	U	Proc (C)	NK	Stev 187
Katherine Mitchell	1641	Culross	U	T	Ex	L
Woman	1642	Dysart	U	Men	Ex	Gib, 28
Woman	1642	Dysart	U	Men	Ex	Gib, 28
Woman	1642	Dysart	U	Men	Misc	Gib, 28
Margaret Young	1642	Dysart	M	Proc	Acq	Muir, 76
Margaret Wilson	10.8 1642	Dysart	U	Proc	Acq	Stev 236
Some persons	20.7 1642	Kinglassie	U	Men	NCP	Stev 236
Margaret Huttoun	7.11 1642	Culross	M	Com	Ex	L
Isbell Dairsie	1643	Anstruther	U	T	Ex	L*
Some witches	16.8 1643	Anstruther	U	Men	Ex	StA/23
Witches	30.8 1643	Anstruther	U	Proc	NK	StA/23
Isobel Miller	1643-	Dunfermline	U	Men	Ex	L
Grissel Morris	-.5 1643	Dunfermline	U	T	Ex	L
Margaret Brand	1643	Dunfermline	U	T	Ex	L

Agnes Kirk	1643	Dunfermline	U	T	Ex	L
Margaret Donaldson	1643	Dunfermline	U	Men	Ex	L
Katherine Elder	1643	Dunfermline	U	T	Ex	L
Jonett Fentoun	20.6 1643	Dunfermline	U	Men	Misc	L
Isobell Marr	17.8 1643	Dunfermline	U	Men	Misc	L
Catherine Rowane	5.3 1643	Culross	U	Proc	NK	L
Some women	21.5 1643	Culross	U	Proc	NK	Black 51
Kathren Chrystie	30.8 1643	Dysart	U	Proc	NK	Stev 256
Issobel Finlay	20.8 1643	Dysart	U	Men (C)	NK	CH2/390
Issobel Burt	1643	Dysart	U	Men	NK	CH2/390
Grissell Rankine	1643	Dysart	U	Men	NK	CH2/390
Witch	6.9 1643	Crail	U	Men	Ex	StA/23
Witch	6.9 1643	Crail	U	Men	Ex	StA/23
Witches	15.11 1643	Crail	U	Proc	NK	StA/23
Agnes Anderson	3.9 1643	Largo	M	Men	NK	OPR/443
Katherine Thomson	3.9 1643	Largo	M	Proc	NCP	OPR/443
Christian Broun	9.10 1643	Largo	M	Men	NK	OPR/443
Patrik Pearson	6.9 1643	Inverkeithing	U	Proc	NK	Stev 257

Cristian Cristie	6.9 1643	Kirkcaldy	U	Proc	NK	Stev 257
Margaret Balfour	-.9 1643	St Andrews	U	Men	NK	L
John Morison	13.9 1643	St Andrews	U	Proc (C)	NCP	StA/23
Witch	23.8 1643	St Andrews	U	Men	Ex	StA/23
Witch	23.8 1643	St Andrews	U	Men	Ex	StA/23
(Woman) Drimond	1.10 1643	Fife	U	Men	NK	CH2/592
Jonnet Smythe	31.10 1643	Kinghorn	U	Proc	Misc	L
Wife of John Dawson	3.11 1643	Pittenweem	M	T	Ex	L
Margaret Kingow	13.12 1643	Pittenweem	W	Proc	NK	L
Margaret Horsburgh	18.12 1643	Pittenweem	W	T	Ex	L
Janet Anderson	21.12 1643	Pittenweem	M	T	Ex	L
Janet Brown	31.12 1643	Markinch	U	T (C)	NK	L
40 people	1643	Fife	U	Men	Ex	Lyon, II, 56
Margaret Myrton	1644	Anstruther	U	T	NK	L
Lillias Baxter	31.1 1644	Kirkcaldy	U	Men	Misc	Syn 138
Janet Rankyne	31.1 1644	Fife	U	Men	Misc	Stev 265
Isobell Johnson	11.1 1644	Burntisland	M	T	NK	CH2/523
Witches	1644	Burntisland	U	Proc	NK	CH2/523

Jean Buchan	4.1 1644	Creich	U	Men	Misc	CH2/82
Bessie Cuper	24.1 1644	Creich	U	Men	Misc	CH2/82
Wife of A. Wanderson	12.1 1644	Pittenweem	M	T	Ex	L
Wife of Thomas Wanderson	12.1 1644	Pittenweem	M	T	Ex	L
Christine Dote	1644	Pittenweem	U	T	Misc	L
Christian Roch	1644	Pittenweem	U	Men	Ex	L
Beattie Dote	21.2 1644	Craill	U	Proc	NK	StA/23
Katherine Wallace	27.2 1644	Kinghorn	U	T	Ex	L
Margaret Robinson	27.2 1644	Kinghorn	U	Proc	Acq	CH2/390
Agnes Bennettie	27.3 1644	Dysart	U	Proc	Caut	Stev 267
Margaret Cunningham	27.3 1644	Dysart	U	Proc	Caut	Stev 267
Margaret Halkhead	27.3 1644	Dysart	U	Proc	Caut	Stev 267
Bessie Mason	1644	St Andrews	U	T	Ex	L*
Beatrice Ferster	4.4 1644	St Andrews	M	Men (C)	NK	OPR/453
Jonet Wylie	23.6 1644	Largo	U	Proc	NK	OPR/443
Wife of Wm. Moreson	7.8 1644	Fife	M	T	NK	Stev 274
Jonet Erskine	6.8 1644	Culross	U	Men	NK	L
Mary Cunningham	6.8 1644	Culross	W	Com	NK	L

Adam Donaldson	1644	Culross	U	Men (C)	NK	L
Christiane Barclay	25.9 1644	Kilrenny	M	Proc	Caut	StA/23
Margaret Young	2.10 1644	Dysart	M	Men	Acqu	L
Helen Seweis	1645	St Andrews	U	T	NK	L
Margaret Donald	1645	Dunfermline	U	Men	NK	L
Witches	16.3 1645	Dunfermline	U	Proc	NK	CH2/592
Bessie Cuper	1645	Creich	M	Men	Misc	L
Jeane Buchane	1645	Creich	U	Men	Misc	L
Wife of Alex Symeson	11.6 1645	Dysart	M	Proc	NK	Stev 286
Andro Carnsichaeil	6.11 1645	Dunino	U	Proc	Caut	StA/23
Grissell Thomson	1646	Cupar	U	Men	Ex	L
Marie Mitchells	1646	Kilmany	U	Men	Acqu	L
Janet Mitchells	1646	Kilmany	U	Men	Acqu	L
Janet Dick	18.2 1646	Kirkcaldy	U	Proc (C)	NCP	Stev 293
Andro Allan	18.2 1646	Kirkcaldy	U	Proc (C)	NK	Stev 293
David Wood	6.5 1646	Kirkcaldy	U	Proc (C)	NCP	Stev 295
George Rowane	1646	Culross	M	Proc (C)	NCP	Bev, I 214
Wife of Geo Rowane	1646	Culross	M	Proc (C)	NCP	Bev, I 214

Bessie Cuper	18.2 1647	Creich	M	Proc	NK	CH2/82
Daur. of Bessie Cuper	18.2 1647	Creich	S	Proc	NK	Kin 107
Isobel Thomson	28.4 1647	Falkland	U	Men	NK	Stev 310
Jean Buchan	15.7 1647	Cupar	M	Men	NK	Kin 116
(Woman) Jack	6.6 1647	Largo	U	Men	Ex	OPR/443
Helen Young	31.12 1648	Balmerino	U	Men	Misc	L
William Chrichtoun	1648	Dunfermline	U	T	Ex	L
Helen Small	1648	Monimail	U	T	Acqu	L
Margaret Young	19.1 1648	Dysart	U	Men	NK	Stev 319
Jean Gray	23.4 1648	Wemyss	S	Proc	Acq	CH2/365
Elspeth Simpsons	6.11 1649	Dysart	U	Com	NK	L
Marion Grig	18.7 1649	Burntisland	U	Men	NK	B/9/11
Janet White	1.8 1649	Burntisland	U	T	Ex	L
Bessie Man	8.8 1649	Burntisland	U	T	Ex	L
Isobel Bairdie	1.8 1649	Burntisland	U	T	Ex	L
Isabel Gairdner	11.8 1649	Burntisland	U	T	Misc	CH2/523
Jonet Thomsone	-.8 1649	Burntisland	U	T	Ex	L
Janet Brown	-.8 1649	Burntisland	U	T	Ex	L

Helen Archibald	- .8 1649	Burntisland	U	T	Ex	L
Witch	- .8 1649	Burntisland	U	T	Ex	L
Jonet Murray	12.9 1649	Burntisland	U	Com	Ex	L*
Elspeth Ronaldsone	27.9 1649	Burntisland	U	Com	Ex	L*
Agnes Waterson	27.9 1649	Burntisland	U	Com	Ex	L*
Margaret Allane	1.10 1649	Burntisland	U	Men	NK	B/9/11
Isobel Andersone	1.10 1649	Burntisland	U	Men	NK	B/9/11
Thomas Durior	1.10 1649	Burntisland	U	Men	Ex	B/9/11
Wife of Nicol Fuire	1.10 1649	Burntisland	M	Men	NK	B/9/11
Helen Peniman	1.10 1649	Burntisland	U	Men	NK	B/9/11
Isobel Murray	1.10 1649	Burntisland	U	Men	NK	B/9/11
Wife	1.10 1649	Burntisland	M	Men	NK	B/9/11
Marion Thompsone	20.12 1649	Burntisland	U	Men	NK	B/9/11
Jonet Geddy	20.12 1649	Burntisland	U	Men	NK	B/9/11
Betriche Douglas	13.4 1649	Inverkeithing	U	Proc	NK	CH2/105
Barbara Chattoun	10.7 1649	Inverkeithing	U	Men	Nk	L
Margaret Blaikburne	10.7 1649	Inverkeithing	U	Men	NK	L
Margaret Aytoune	1.7 1649	Inverkeithing	U	Men	NK	L



Emie Angus	10.7 1649	Inverkeithing	U	Men	NK	L
Margaret Grege	10.7 1649	Inverkeithing	U	Men	NK	L
Joannet Grege	10.7 1649	Inverkeithing	U	Men	NK	L
Marjorie Fergie	10.7 1649	Inverkeithing	U	Men	NK	L
Hellen Douglas	10.7 1649	Inverkeithing	U	Men	NK	L
Bessie Wilson	10.7 1649	Inverkeithing	U	Men	NK	L
Christiane Thomsone	10.7 1649	Inverkeithing	U	Men	NK	L
Hellane Stanhou	10.7 1649	Inverkeithing	U	Men	NK	L
Katharine Smyth	10.7 1649	Inverkeithing	U	Men	NK	L
Joannet Smetoune	10.7 1649	Inverkeithing	U	Men	NK	L
Rossina Osit	10.7 1649	Inverkeithing	U	Men	NK	L
Issobel Mitchell	10.7 1649	Inverkeithing	U	Men	NK	L
Margaret Mairtine	10.7 1649	Inverkeithing	U	Proc	NK	L
Issobel Leitch	-.7 1649	Inverkeithing	U	Proc	NK	L
Issobel Guthrie	1.7 1649	Inverkeithing	U	Men	NK	L
Katharine Grieve	11.7 1649	Inverkeithing	U	Proc	NK	L
Wives of Magistrates	31.7 1649	Inverkeithing	M	Men	NK	L
Marion Durie	28.8 1649	Inverkeithing	M	Com	NK	L

Lady Pittathrow	1649	Inverkeithing	U	Men	Misc	L
Witches	5.7 1649	Fife	U	Com	Ex	L
Witches	27.6 1649	Dalgety	U	Com	Ex	L*
Issobel Kellock	3.6 1649	Dalgety	M	T	Ex	L*
Robert Maxwell	22.4 1649	Dalgety	U	T	Ex	L
Christian Garlich	1.6 1649	Dalgety	U	Men	NK	OPR/422
Margaret Orrock	3.6 1649	Dalgety	U	Men	Misc	OPR/422
Issobel Annell	4.6 1649	Dalgety	U	Proc	NK	OPR/422
Wife of Rob Robertson	1649	Dalgety	M	Men	Acq	OPR/422
Witch	1649	Dalgety	U	Men	NK	L
Marjory Winster	17.5 1649	Cupar	U	Proc	Misc	Kin 143
Witches	8.5 1649	Aberdour	U	Proc	NK	CH2/105
John Murdoche	-.4 1649	Dunfermline	U	Men	NK	L
Bessie Wilson	-.5 1649	Dunfermline	U	Men	NK	L
Isabel Peacock	-.5 1649	Dunfermline	U	Men	NK	L
Margaret Philp	1649	Dunfermline	M	Proc	NCP	CH2/592
Jonet Matheson	19.9 1649	Dunfermline	U	T	NK	CH2/105
Bessy McComy	18.12 1649	Dunfermline	U	T	NK	CH2/592

Marion Durie	1649	Dunfermline	U	Com	NK	L
Elspeth Seith	15.3 1649	Balmerino	U	T	Acqu	L
Marjerie Winchester	1649	St Andrews	U	Proc	NK	StA/23
Isobel Troylus	15.3 1649	Kilmany	U	Men	Acqu	Kin 137
Helen Swyn	15.3 1649	Kilmany	U	Men	Acqu	Kin 137
Isbell Smith	10.7 1650	Kilrenny	U	Proc (C)	NCP	StA/23
Marjorie Myllar	-.6 1650	Auchtermuchty	U	Proc	NK	CH2/82
Robert Cousing	-.4 1650	Culross	U	Men	NK	L
Marion Cunninghame	7.5 1650	Dunfermline	U	Men	NK	L
Margaret Young	17.3 1650	Dysart	M	Proc	NK	CH2/390
Jon Quhyt	17.3 1650	Dysart	U	Proc	NK	CH2/390
Christine Christie	17.3 1650	Dysart	M	Proc	NK	CH2/390
Jonet Burt	17.3 1650	Dysart	U	Proc	NK	CH2/390
Christiane Brown	17.3 1650	Burntisland	U	Proc	NK	CH2/523
Margaret Bar	17.3 1650	Burntisland	U	Proc	NK	B/9/11
Elspett Astone	17.3 1650	Burntisland	U	Proc	NK	Stev 360
Christiane Baxter	25.2 1650	Burntisland	U	T	Ex	B/9/11
Janet Anderson	1650	Aberdour	U	Men	NCP	L*

Katherine Key	- .9 1653	Newburgh	U	Men	Acqu	L
(Woman) Myly	10.1 1654	Aberdour	U	Men	NK	CH2/3
Susanna Alexander	1654	Aberdour	U	T	Acqu	L*
Janet Bell	1654	Aberdour	U	T	Acqu	L*
Margaret Cant	1654	Aberdour	U	Proc	Acqu	L*
Margaret Currie	1654	Aberdour	U	Proc	Acqu	L*
Catherine Robertson	1654	Aberdour	U	Proc	Acqu	L*
Helen Swyne	22.6 1654	Balmerino	M	Men (C)	Acqu	Cell 404
ElsPET Sckogie	1654	Cupar	U	Proc	Acqu	L
Anaplie Watson	2.10 1654	Wemyss	U	Proc	NK	CH2/365
Margaret Gordonne	29.2 1655	Wemyss	U	Proc	NK	CH2/365
Margaret Williamson	13.11 1655	Wemyss	M	Proc	NK	CH2/365
Katherine Key	3.5 1655	Newburgh	U	Proc	NCP	CH2/82
Woman	1655	Cleish	U	Proc (C)	Acqu	Hall 50
Kathrene Smyth	1655	Inverkeithing	U	Proc	NK	L
Agnes Pryde	1656	Cupar	U	Proc	NK	L
ElsPETH Scroggie	1656	Cupar	U	Proc	NK	L
Woman	12.3 1656	Inverkeithing	U	Men	Ex	L

Elspeth Craiche	- .8 1656	Culross	U	Men	Caut	L*
Helen Young	16.9 1657	Inverkeithing	U	Proc	Acqu	CH2/105
Margaret Beverage	1658	Dysart	M	Proc	NK	L
John Corse	2.2 1658	Dysart	U	T	Ex	L
Elspet Boyes	18.7 1658	Ferryport	U	Proc	NK	CH2/150
Margaret Liddell	19.1 1661	Newburgh	U	Com	NK	L
Woman	- .11 1661	Newburgh	U	T	Ex	L
Woman	- .11 1661	Newburgh	U	T	Ex	L
Margaret Garvie	1661	Falkland	U	Proc	Caut	L*
Barbara Horniman	1661	Falkland	U	Men	NK	L
Cathrine Robertson	1661	Aberdour	U	T	Ex	L
Margaret Cant	1661	Aberdour	U	T	Ex	L
Margaret Currie	31.7 1661	Aberdour	U	Men	Ex	L
Susanna Alexander	1661	Aberdour	U	T	Ex	CH2/3
Janet Bell	1661	Aberdour	U	T	Ex	CH2/3
Katherine Key	1661	Newburgh	U	Com	NK	L
Margaret Dryburgh	23.1 1662	Falkland	U	Com	NK	L
Elspeth Seatoun	23.1 1662	Abdie	U	Com	NK	L

Elspeth Bruce	23.1 1662	Abdie	U	Com	NK	L
Margaret Bell	23.1 1662	Abdie	U	Com	NK	L
Bessie Duncan	23.1 1662	Creich	U	Com	NK	L
Jon Dogleish	23.1 1662	Flisk	U	Com	NK	L
Jonet Edward	23.1 1662	Flisk	U	Com	NK	L
Cristan Anderson	23.1 1662	Newburgh	U	Com	NK	L
Cristian Bonar	23.1 1662	Newburgh	U	Com	NK	L
Issobel Page	23.1 1662	Newburgh	U	Com	NK	L
Margaret Philp	23.1 1662	Newburgh	U	Com	NK	L
Helen Wentoun	23.1 1662	Newburgh	U	Com	NK	L
Agnes Brounes	23.1 1662	Kilmany	U	Com	NK	L
Jon Brounes	23.1 1662	Kilmany	U	Com	NK	L
Jonet Staig	6.2 1662	Collessie	U	Com	Nk	L
Margaret Wishart	6.2 1662	Collessie	U	Com	NK	L
Elspeth Millar	6.2 1662	Collessie	U	Com	NK	L
Alison Melvill	6.2 1662	Collessie	U	Com	NK	L
Jonat Mar	6.2 1662	Collessie	U	Com	NK	L
Elspethe Craiche	17.3 1662	Culross	U	Men	NK	L

Elspeth Anderson	2.4 1662	Dunbog	U	Com	NK	L
Bessie Simson	2.4 1662	Flisk	U	Com	NK	L
Kathrin Blak	2.4 1662	E Flisk	U	Com	NK	L
Jonnet Anand	7.5 1662	Forgan	U	Com	NK	L
Elizabeth Clow	7.5 1662	Forgan	U	Com	Nk	L
Isobel Blyth	19.5 1662	Auchtermuchty	U	Men	NK	L
Witches	1663	Auchtertool	U	Men	Ex	L
Witches	1663	Aberdour	U	Men	Acqu	Ross, 332
Witches	1665	Culross	U	Men	Ex	L
Issobel Kay	1666	Forgan	U	Proc	NK	StA/23
Margaret Guthrie	9.5 1666	Carnbee	U	Com	NK	L
Grissel Anderson	8.9 1666	Torryburn	U	Com	NK	L
Agnes Broun	8.9 1666	Torryburn	U	Com	NK	L
Margaret Cowie	8.9 1666	Torryburn	U	Com	NK	L
Margaret Dobie	8.9 1666	Torryburn	U	Com	NK	L
Elspeth Guild	8.9 1666	Torryburn	U	Com	NK	L
Margaret Home	8.9 1666	Torryburn	U	Com	NK	L
Cristan May	8.9 1666	Torryburn	U	Com	NK	L
Issobel Key	8.9 1666	St Andrews	U	Com	NK	L



Witches	1667	Dunfermline	U	Men	NK	L
Witches	1667	Torryburn	U	Men	NK	Hndr 338-9
John Lister	1669	Aberdour	U	Proc (C)	NCP	Ross 334
Witch	1669	Newburgh	U	Men	Ex	Mack, 157
Witch	1669	Newburgh	U	Men	Ex	Mack, 157
Witch	1669	Newburgh	U	Men	Ex	Mack, 157
Elspeth Finlay	1673	Burntisland	U	Proc	Acqu	Young 186
Margaret Couper	1673	Burntisland	U	Proc	Acqu	Young 189
Agnes Hendrie	9.7 1675	Culross	W	T	Ex	L
Jonet Hendrie	9.7 1675	Culross	W	T	Ex	L
Issobel Inglis	9.7 1675	Culross	W	T	Ex	L
Katherine Sands	9.7 1675	Culross	M	T	Ex	L
Grillies Robertson	18.8 1675	Crail	U	Men	Misc	L*
Isobel Mercer	1678	Aberdour	U	Proc (C)	NCP	Ross 335
Witches	1679	Dunfermline	U	Men	NK	Hndr, 349
Elspeth Kirkland	1681	Aberdour	U	Men	Acqu	L
Helen Eliot	1684	Culross	U	Men	Ex	L
Jean Greig	27.5 1690	Kirkcaldy	S	Proc (C)	NCP	CH2/224
John Young	29.6 1693	Culross	U	Proc (C)	NCP	Bev, II 18
Beatrice Laing	30.10 1695	Pittenweem	M	Proc (C)	Acqu	StA/23

Woman	16.3 1698	St Andrews	U	Men (C)	Misc	StA/23
Archibald Ready	1698	Inverkeithing	U	Men (C)	NCP	Steph 446
Archibald Reddie	21.9 1698	Pittenweem	U	Proc (C)	NCP	StA/23
Bessie Winton	14.2 1699	Ceres	M	Proc	Acqu	CH2/82
David Teddie	21.2 1700	Anstruther	U	Proc (C)	Acqu	StA/23
Allan Guthrie	27.11 1700	Largo	S	Proc (C)	Acqu	StA/23
Elizabeth Dick	-.4 1701	Anstruther E	U	Proc	NK	L
Grissel Anderson	1703	Torryburn	U	Men	Ex	L
Eupham Stirt	1703	Torryburn	U	Men	Ex	L
Lillias Adie	-.7 1704	Torryburn	U	Men	Misc	L
Jean Bizet	1704	Torryburn	M	Men	NK	L
Janet Whyte	1704	Torryburn	U	Men	NK	L
Elspeth Williamson	-.7 1704	Torryburn	U	Men	NK	L
Mary Wilson	1704	Torryburn	U	Men	NK	L
Mrs White	1704	Pittenweem	W	Men	Acqu	L*
Janet Cornfoot	1704	Pittenweem	U	Men	Misc	L
Isobel Adam	1704	Pittenweem	U	Proc	Acqu	L*
Margaret Jack	1704	Pittenweem	U	Men	NCP	Sin lxx

Patrick	1704	Pittenweem	U	Men	NCP	Sin, lxx
Lillias Wallace	19.4 1704	Pittenweem	U	Proc	Acqu	StA/23
Janet Horseburgh (alias Mrs White)	19.6 1704	Pittenweem	U	Men	Acqu	StA/23
Jean Durkie	28.6 1704	Pittenweem	M	Men	Acqu	StA/23
Nicolas Lawson	19.6 1705	Pittenweem	M	Men	Acqu	L*
Thomas Brown	1705	Pittenweem	U	Men	Misc	L
Beatrice Laing	1705	Pittenweem	M	Men	Acqu	L*
Agnes Currie	21.11 1708	Torryburn	U	Proc	NK	L
Nicolas Lawson	20.5 1709	Pittenweem	M	Proc	NK	L
Bettie Laing	20.5 1709	Pittenweem	M	Proc	NK	L

## BIBLIOGRAPHY

### Manuscript Sources

#### General Register Office, New Register House, Edinburgh

OPR/402/1	(Anstruther Easter K.S.)
OPR/403/1, 4	(Anstruther Wester K.S.)
OPR/409/1	(Balmerino K.S.)
OPR/414/1	(Carnock K.S.)
OPR/415/1	(Ceres Old Parish Register)
OPR/422/1	(Dalgety K.S.)
OPR/429/1	(Newport K.S.)
OPR/438/1	(Kilrenny K.S.)
OPR/440/3	(Kinglassie K.S.)
OPR/443/1	(Largo K.S.)
OPR/452/3	(Pittenweem K.S.)
OPR/453/5-6	(St Andrews K.S.)
OPR/458/1	(Torryburn K.S.)

#### Scottish Record Office, H.M. General Register House, Edinburgh

CH2/3/1	(Aberdour K.S.)
CH2/67/1	(Cleish K.S.)
CH2/82/1-2	(Cupar Presbytery)
CH2/105/1-3	(Dunfermline Presbytery)
CH2/206/1	(Kennoway K.S.)
CH2/210/1-2	(Kilconquhar K.S.)
CH2/224/2-4	(Kirkcaldy Presbytery)
CH2/225/1	(Kirkcaldy K.S.)
CH2/258/1-2	(Markinch K.S.)
CH2/278/1	(Newburn K.S.)
CH2/326/1	(Scoonie K.S.)
CH2/355/1	(Torryburn K.S.)
CH2/365/1-4	(Wemyss K.S.)
CH2/390/1-3	(Dysart K.S.)
CH2/405/1	(Dunino K.S.)
CH2/406/1-2	(Kinglassie K.S.)
CH2/428/1-2	(Falkland K.S.)
CH2/472/1-3	(Kinghorn K.S.)
CH2/523/1-3	(Burntisland K.S.)
CH2/548/1	(Monimail K.S.)
CH2/592/1	(Dunfermline K.S.)
CH2/624/1-3	(Anstruther Wester K.S.)
CH2/625/1-2	(Anstruther Easter K.S.)
CH2/819/1	(Kingsbarns K.S.)
CH2/833/1-3	(Pittenweem K.S.)
CH2/960/1	(Largo K.S.)
CH2/1065/1-5	(St Monans K.S.)
B9/11/9-10	(Burntisland Burgh Court)
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CH2/150/1 (Newport K.S.)  
CH2/204/1 (Kemback K.S.)  
CH2/427/1 (Dairsie K.S.)  
B60/1/1/1 (Pittenweem Council Minutes)  
B65/20/2 (List of Pollable Persons in St Andrews, undated [1695?])  
Ms dep.42/1/1,5 (Poll-tax Poll, Anstruther Wester, June & September 1695)  
Ms dep.42/1/4 J.P.'s Decisions on Work People's Wages 1611

Printed Primary Sources

Acts	<u>Acts of the Parliaments of Scotland</u> , vols II-XI (London 1814-44).
Baillie, Grissell	<u>The Household Book of Lady Grissell Baillie</u> . R Scott-Moncrieff, ed., SHS, 2nd series 1 (Edinburgh 1911).
Balfour, James	<u>The Practicks of Sir James Balfour of Pittendreich</u> (1583-97). 2 vols. PGB McNeil, ed., Stair Soc. 21-22 (Edinburgh 1962-3).
Baxter, Charles, ed.	<u>Selections from the Minutes of the Synod of Fife 1611-1687</u> . Abbotsford Club 8 (Edinburgh 1837).
Blair, Robert	<u>Life of Mr Robert Blair, minister of St Andrews, containing his autobiography 1593-1636, with a supplement to his life and a continuation of the history of the times to 1680</u> . T M'Crie, ed., Wodrow Soc. (Edinburgh 1848).
Brodie, Alexander	<u>The Diary of Alexander Brodie of Brodie 1652-1680 and of his son, James Brodie of Brodie 1680-1685</u> . Spalding Club (Aberdeen 1863).
Clerk, John	<u>Memoirs of the life of Sir John Clerk of Penicuik, baronet baron of the exchequer, extracted by himself from his own journals 1676-1755</u> . JM Gray, ed., SHS 13 (Edinburgh 1892).
Cook, David, ed.	<u>Annals of Pittenweem: being Notes and Extracts from the Ancient Records of that Burgh 1526-1793</u> . (Anstruther 1867).

- Erskine, D. The Institutions of the Law of Scotland  
(Edinburgh 1844).
- Foulis of Ravelstone The Account Book of Foulis of Ravelstone  
1671-1707. AW Cornelius Hallen, ed.,  
SHS 16 (Edinburgh 1894).
- Fleming, David Hay, ed. The Register of the Minister, Elders and  
Deacons of the Christian Congregation of  
St Andrews 1559-1600. 2 vols.  
SHS 4,7 (Edinburgh 1889, 1890).
- Gibson, A., ed. Extracts from the Ancient Records of the  
Burgh of Dysart 1533-1763 (n.p. 1865).
- Gillan, S.A. &  
Smith, J.I., eds. Selected Justiciary Cases 1624-1650.  
3 vols. Stair Soc. 16, 27, 28  
(Edinburgh 1953, 1972, 1974).
- Grant, F.J., ed. The Commissariat Records of the St  
Andrews Register of Testaments  
1549-1800. vol VIII (Edinburgh 1902).
- Halkett, Anne The Memoirs of Anne, Lady Halkett and  
Ann, Lady Fanshawe. J Loftis, ed.,  
(Oxford 1979).
- Hay, Andrew The Diary of Andrew Hay of Craginethan  
1659-1660. AG Reid, ed.,  
SHS 39 (Edinburgh 1901).
- Hay, William William Hay's Lectures on Marriage.  
JC Barry, ed., Stair Soc. 24  
(Edinburgh 1967).
- Hope, Sir Thomas  
of Craighall Hope's Major Practicks 1603-1633.  
2 vols. JA Clyde, ed., Stair Soc.  
3,4 (Edinburgh 1937, 1938).
- Hume, David Commentaries on the Laws of Scotland  
respecting Crimes (Edinburgh 1844).
- Johnston, Archibald Diary of Sir Archibald Johnston of  
Wariston 1632-1639. GM Paul, ed.,  
SHS 61 (Edinburgh 1911).
- Kinloch, G., ed. Selections from the Minutes of the  
Presbyteries of St Andrews and Cupar  
1641-1698. Abbotsford Club  
(Edinburgh 1837).

- Knox, John      The History of the Reformation of Religion in Scotland; to which are appended Several other pieces of his writing; including the First Book of Discipline. W M'Gavin, ed., (Glasgow 1831).
- Lamont, John      The Diary of Mr John Lamont of Newton 1649-1671. Maitland Club 8 (Edinburgh 1830).
- MacBean, L., ed.      The Kirkcaldy Burgh Records 1562-1907. (Kirkcaldy 1908).
- Mackenzie, George      The Works of Sir George Mackenzie of Rosehaugh, Advocate to King Charles II and King James VII. With many learned treatises of his, never before printed. 2 vols. (Edinburgh 1716-22).
- Melvill, James      The Diary of Mr James Melvill 1556-1601. Bannatyne Club 34 (Edinburgh 1829).
- Muir, William, ed.      Gleanings from the Records of Dysart 1548-1796. Maitland Club 73 (2) (Edinburgh 1862).
- Muir, William, ed.      Notices from the Local Records of Dysart. Maitland Club 73 (1) (Glasgow 1853).
- Neilsone, George, ed.      'A Sermon on Witchcraft in 1697' by James Hutchison. SHR 7 (1910) 390-399.
- Nicoll, John      A Diary of Public Transactions and other Occurrences, chiefly in Scotland. January 1650 - June 1667. D Laing, ed., Bannatyne Club 52 (Edinburgh 1836).
- Pitcairn, Robert      Ancient Criminal Trials in Scotland; compiled from the Original Records and MSS., with Historical illustrations etc. 3 vols. Bannatyne Club (Edinburgh 1833).
- Pollock, Jonet      Diary of Jonet Pollock. Transcribed by Mr Wodrow 1705, minister at Eastwood. In Analecta: Materials for a History of Remarkable Providences; mostly relating to Scotch Ministers and Christians; by Rev. Robert Wodrow. Maitland Club (Edinburgh 1842).
- Privy Council      Register of the Privy Council of Scotland. 38 vols (Edinburgh 1877-1970).



- Pryde, G.S., ed. The Court Book of the Burgh of Kirkintilloch 1658-1694. SHS 3rd series 53 (Edinburgh 1963).
- Scott-Moncrieff, WG, ed. The Records of the Justiciary Court at Edinburgh 1661-1678. 2 vols. SHS 48, 49 (Edinburgh 1905).
- Shearer, A. Extracts from the Burgh Records of Dunfermline in the sixteenth and seventeenth centuries. (Dunfermline 1951).
- Sibbald, Robert The Memoirs of Sir Robert Sibbald 1641-1722. FP Hett, ed., (Oxford 1932).
- Sinclair, George Satan's Invisible World Discovered (1685). (Reprinted Edinburgh 1871).
- Sinclair, John, ed. The Statistical Account of Scotland 1791-1799. vol 10 (E.P Publishing 1978).
- Spalding, John History of the Troubles and Memorable Transactions in Scotland and England 1624-1645. 2 vols. Bannatyne Club (Edinburgh 1824).
- Stevenson, William The Presbytrie Booke of Kirkcaldie 1630-1653. (Kirkcaldy 1900).
- Strathmore, Patrick The Book of Record: A Diary written by Patrick 1st Earl of Strathmore and other documents relating to Glamis Castle 1684-1689. AH Millar, ed., SHS 9 (Edinburgh 1890).
- Thorpe, M.J. Calendar of the State Papers relating to Scotland preserved in the State Paper Department of Her Majesty's Public Record Office 1509-1603. vol II. (London 1858).
- Whitfield, George, ed. Biography of Emelia Gedde 1665-1688. (Kirkcaldy 1805).

#### Published Secondary Sources

- Arensberg, C.M. & Kimball, S.T. Family and Community in Ireland. (Harvard 1968).
- Arnott, A. & Duncan, J. The Scottish Criminal. (Edinburgh 1970).

- Bashar, Nazife 'Rape in England between 1550 and 1700'. In London Feminist History Group, The Sexual Dynamics of History (London 1983) 28-46.
- Beale, James, M. A History of the Burgh and Parochial Schools of Fife. Donald J Withrington, ed. Scottish Council for Research in Education 82 (Edinburgh 1983).
- Beveridge, David Culross and Tulliallan. (Edinburgh 1885).
- Black, George A Calendar of Cases of Witchcraft in Scotland 1510-1727. (New York 1938).
- Blyth, John Burntisland: Early History and People. (Kirkcaldy 1948).
- Bonfield, L., Smith, R. Wrightson, K., eds. The World we have Gained. Histories of Population and Social Structure. Essays presented to Peter Laslett on his 70th birthday. (Oxford 1986).
- Bouce, Paul-Gabriel, ed. Sexuality in Eighteenth Century Britain. (Manchester 1982).
- Brackenridge, R.D. 'The Enforcement of Sunday Observance in Post-Revolution Scotland 1689-1793' RSCHS 17 (1972), 33-45.
- Brodsky, Vivien 'Widows in Late Elizabethan London: Remarriage, Economic Opportunity and Family Orientations'. In Bonfield, Smith & Wrightson, The World we have Gained, 122-155.
- Brown, Keith Bloodfeud in Scotland 1573-1625. (Edinburgh 1986).
- Campbell, J. Balmerino and its Abbey. (Edinburgh 1867)
- Campbell, John The Church and Parish of Kirkcaldy from the Earliest Times till 1843. (Kirkcaldy 1904).
- Carlton, C. 'The Widows' Tale: male myths and female reality in sixteenth and seventeenth century England'. Albion 10 (1978) 118-127.
- Chambers, Robert Domestic Annals of Scotland from the Reformation to the Revolution. (Edinburgh 1874).

- Clark, Alison                      The Working Life of Women in the seventeenth century. (New York 1919).
- Clark, Ivo                          History of Church discipline in Scotland. (Edinburgh 1929).
- Cockburn, J.S., ed.                Crime in England 1550-1800. (London 1977)
- Cohn, N.                            Europe's Inner Demons: An enquiry inspired by the great witch-hunt. (London 1975).
- Coutts, W.                         'Women, Children and Domestic Servants in Dumfries in the seventeenth century. Their economic status as seen through the Registers of Testaments and Grants of Confirmation 1600-1665'. Trans D & G Nat Hist Soc. 41 (1986) 73-83.
- Davies, S.J.                        'The Courts and the Scottish Legal System 1600-1745: The case of Stirlingshire', in Crime and the Law: The Social History of Crime in Western Europe since 1500, pp.120-154. Edited by VAC Gatrell, B Lenman & G Parker (London 1980).
- Dekker, R.M. & Van de Pol, L.                The Tradition of Female Transvestism in early modern Europe. (London 1989).
- Demos, John                        Entertaining Satan; Witchcraft and the Culture of early New England. (Oxford 1982).
- Di Folco, John                     'Discipline and Welfare in the mid seventeenth Scots parish'. RSCHS 19 (1977) 169-183.
- Dodgshon, R.A.                    Land and Society in early Scotland. (Oxford 1981).
- Donaldson, Gordon                Scotland, James V - James VII. (Edinburgh 1965).
- Douglas, David                    Early Travellers in Scotland (n.p. 1891).
- Duckham, Baron F.                'Life and Labour in a Scots colliery 1698-1755'. SHR 47 (1968) 109-128.
- Erikson, K.T.                      Wayward Puritans: A study in the sociology of deviance. (New York 1966).
- Eyre-Todd, G., ed.                Scottish Poetry of the Sixteenth Century. (Glasgow 1892).

- Fletcher, A. & Stevenson, J., eds. Order and Disorder in early modern England. (Cambridge 1985).
- Flinn, M.W, ed. Scottish Population History. (Cambridge 1977).
- Foster, W.R. The Church before the Covenants: the Church of Scotland 1596-1638. (Edinburgh 1975).
- Gatrell, V.A.C., Lenman, B. & Parker, G. eds. Crime and the Law: A social history of crime in western Europe since 1500. (London 1980).
- Gills, J. For Better, for Worse: British Marriages 1600 to the Present. (Oxford 1985).
- Gourlay, G. Anstruther: Illustrations of Scottish Burgh life. (Anstruther 1888).
- Graham, Harry A Group of Scottish Women. (London 1908).
- Hair, P.E.H. 'Bridal Pregnancy in rural England in earlier centuries'. Population Studies (Nov 1966) 233-244.
- Hall, P.T. The Kirk of Cleish 1208-1928 (Printed for private circulation 1937).
- Hanawalt, Barbara 'The Female Felon in fourteenth century England'. Viator 5 (1974) 253-268.
- Henderson, Ebenezer Extracts from the kirk session records of Dunfermline. (Edinburgh 1865).
- Henderson, Ebenezer Annals of Dunfermline. (Glasgow 1879).
- Houlbrooke, Ralph The English Family 1450-1700. (London 1984).
- Houston, R.A. 'Marriage formation and domestic industry: occupational endogamy in Kilmarnock, Ayrshire 1697-1764'. JIH 8 (1985) 215-229.
- Houston, R.A. 'The Literacy Myth? Illiteracy in Scotland 1630-1760'. P & P 96 (1982) 81-102.
- Houston, R.A. 'Poll Tax records of Lasswade, Midlothian 1694'. Scottish Genealogist (Sept 1981) 122-139.

- Houston, R.A. 'Women in the economy and society of Scotland 1500-1800'. In Houston & Whyte, eds., Scottish Society, 118-148.
- Houston, R.A. & Whyte, I.D., eds. Scottish Society 1500-1800. (Cambridge 1989).
- Howland, A.C., ed. Materials towards a History of Witchcraft collected by H.C. Lea. 3 vols. (Philadelphia 1939).
- Hufton, Olwen 'Women in History: Early Modern Europe'. P & P 105 (1983) 125-141.
- Ingram, Martin Church Courts, Sex and Marriage in England 1570-1640. (Cambridge 1987).
- Jack, J. The Key of the Forth: Historical sketches of the Island of May. (Edinburgh 1858).
- Karlsen, C. The Devil in the shape of a Woman: Witchcraft in colonial New England. (New York 1987).
- King, W. 'Punishment for Bastardy in early seventeenth century England'. Albion 10:2 (1978) 130-151.
- Klairs, Joseph Servants of Satan: The age of the Witch-hunts. (Indiana 1985).
- Kyd, J.G. Scottish Population Statistics, including Webster's analysis of the population 1755. SHS 3rd series 44 (1952).
- Laing, A. Lindores Abbey and its burgh of Newburgh. (Edinburgh 1876).
- Larner, C. Enemies of God: The Witch-hunt in Scotland. (Oxford 1981).
- Larner, C., Lee, C.H. & MacLachlan, H.V. A Source book of Scottish Witchcraft. (Glasgow 1977).
- Leneman, Leah, ed. Perspectives in Scottish Social History: Essays in honour of Rosalind Mitchison. (Aberdeen 1988).
- Leneman, Leah & Mitchison, Rosalind 'Girls in Trouble: The social and geographical setting of illegitimacy in early modern Scotland'. Journal of Social History (forthcoming) 483-497.

- Leneman, Leah & Mitchison, Rosalind Sexuality and Social Control: Scotland 1660-1780. (Oxford 1989).
- Leneman, Leah & Mitchison, Rosalind 'Scottish Illegitimacy Ratios in the early modern period'. Economic History Review 40 (1987) 41-63.
- Lenman, B. & Parker, G. 'The State, the Community and the Criminal Law in early modern Europe'. In Gatrell, Lenman & Parker, Crime and the Law, 11-48.
- Lenman, B. & Parker, G. 'Crime and Control in Scotland 1500-1800'. History Today 30 (Jan 1980) 13-17.
- Levack, Brian The Witch-hunt in Early Modern Europe. (London 1987).
- Levack, Brian 'The Great Scottish Witch-hunt 1661-1662'. Journal of British Studies 20:1 (1980) 90-108.
- Logue, Kenneth Popular Disturbances in Scotland 1780-1815. (Edinburgh 1979).
- Lynch, M. Edinburgh and the Reformation. (Edinburgh 1981).
- Lynch, M. 'Urban Society 1500-1700' in Houston & Whyte, Scottish Society, 85-118.
- Lyon, C.J. History of St Andrews. (Edinburgh 1843).
- Macfarlane, Alan Marriage and Love in England: Modes of Reproduction 1300-1840. (Oxford 1985).
- Macfarlane, Alan 'Witchcraft in Tudor and Stuart Essex'. In Cockburn, Crime in England, 72-90.
- Macfarlane, Alan Reconstructing Historical Communities. (Cambridge 1977).
- Mackay, A.E. A Sketch of the history of Fife and Kinross. (London 1890).
- Maclean, Ian The Renaissance Notion of Women. (Cambridge 1980).
- Makey, W.H. 'The elders of Stow, Liberton, Canongate and St Cuthberts in the mid seventeenth century'. RSCHS 17 (1972) 155-167.
- Makey, W.H. The Church and the Covenant 1638-1651. (Edinburgh 1978).

- Malcolmson, R.W. 'Infanticide in the Eighteenth century'.  
In Cockburn, Crime in England, 187-210.
- Marshall, Rosalind 'Wetnursing in Scotland 1500-1800'.  
ROSC 1 (1984) 43-51.
- Marshall, Rosalind The Days of Duchess Anne: Life in the household of the Duchess of Hamilton 1656-1716. (London 1973).
- Marshall, Rosalind Women in Scotland 1660-1780.  
(Edinburgh 1979).
- Marshall, Rosalind Virgins and Viragos: A history of women in Scotland 1080-1980. (London 1983).
- Menefee, Samuel Wives for Sale: An ethnographic study of British popular divorce. (Oxford 1981).
- Mitchison, Rosalind A History of Scotland. (London 1970).
- Mitchison, Rosalind Lordship to Patronage: Scotland 1603-1745. (Edinburgh 1983).
- Monter, E.W., ed. European Witchcraft. (New York 1969).
- Neill, W.N. 'The professional pricker and his test for witchcraft'. SHR 19 (1922) 205-213.
- Oakley, Ann Subject Women (Fontana 1982).
- Outhwaite, R.B., ed. Marriage and Society: Studies in the social history of marriage.  
(London 1981).
- Ozment, Steven When Fathers Ruled: Family life in Reformation Europe. (Harvard 1983).
- Parker, Geoffrey 'The "kirk by law established" and the origins of "the taming of Scotland": St Andrews 1559-1600'. In Leneman, Perspectives in Scottish Social History, 1-32.
- Paton, G.G., ed. An Introduction to Scottish Legal History. Stair Soc. 20 (Edinburgh 1958).
- Quaife, G. Wanton Wenches and Wayward Wives: Peasants and Illicit Sex in early seventeenth century England (London 1979).



- Rayner, P., Lenman, B.  
& Parker, N.G. Handlist of Records for the study of  
Crime in early-modern Scotland (to 1745).  
List & Index Soc. special series 16  
(London 1982).
- Ross, W. Aberdour and Inchcolm. (Edinburgh 1885).
- Sanderson, Margaret Scottish Rural Society in the Sixteenth  
Century. (Edinburgh 1982).
- Schofield, Roger 'Did mothers really die? Three centuries  
of maternal mortality in "the world we  
have lost"'. In Bonfield, Smith and  
Wrightson, The World we have Gained,  
231-261.
- Sharpe, J.A. Crime in seventeenth century England:  
A county study. (Cambridge 1983).
- Smith, Norah 'Sexual mores and attitudes in  
Enlightenment Scotland'. In Bouce,  
Sex in Eighteenth Century Britain, 47-73.
- Smout, T.C. History of the Scottish People  
1560-1830. (London 1969).
- Smout, T.C. Scottish Trade on the Eve of Union  
1660-1707. (London 1963).
- Smout, T.C. 'Scottish Marriage, Regular and  
Irregular, 1500-1940'. In Outhwaite,  
Marriage and Society, 204-236.
- Smout, T.C. 'Born Again in Cambuslang: New evidence  
on popular religion and literacy in  
eighteenth century Scotland'.  
P & P 97 (1982) 114-127.
- Spufford, M. 'Puritanism and Social control', in  
Order and Disorder in Early Modern  
England (Cambridge 1985) 41-57.
- Stephen, William History of Inverkeithing and Rosyth.  
(Aberdeen 1921).
- Stone, L. The Family, Sex and Marriage in England  
1500-1800. (London 1877).
- Thomas, Keith Religion and the Decline of Magic:  
Studies in popular beliefs in sixteenth  
and seventeenth century England.  
(London 1971).
- Thomas, Keith 'The Double Standard'. JIH 20 (1959)  
195-217.

- Thompson, R. Women in Stuart England and America: A comparative study. (London 1974).
- Torrie, Elizabeth P.D., ed. The Gild Court Book of Dunfermline 1433-1597. SRS new series 12 (Edinburgh 1986).
- Underdown, D.E. 'The Taming of the Scold: the enforcement of patriarchal authority in early-modern England', in Fletcher and Stevenson, Order and Disorder, 116-136.
- Whyte, I. Agriculture and Society in seventeenth century Scotland. (Edinburgh 1979).
- Whyte, I.D. & K.A. 'The Geographical Mobility of Women in early-modern Scotland'. In Leneman, Perspectives in Scottish Social History, 83-106.
- Wormwald, Jenny Court, Kirk and Community: Scotland 1470-1625. (London 1981).
- Wrightson, Keith English Society 1580-1680. (London 1982).
- Wrightson, K. & Devine D. Poverty and Piety in an English Village: Terling 1525-1700 (New York 1979).
- Wrigley, F. & Schofield, R. 'English Population History from Family Reconstitution: Summary results 1600-1799'. Population Studies 37 (1983) 157-184.
- Young, A. History of Burntisland. (Kirkcaldy 1924).

#### Unpublished Dissertations

- Di Folco, John 'Aspects of Seventeenth Century Social Life in Central and North Fife'. (St Andrews B.Phil 1975).
- Gilmore, G. 'Witchcraft and the Church in Scotland subsequent to the Reformation'. (Glasgow PhD 1948).
- Hardy, J.R. 'The Attitude of Church and State in Scotland to Sex and Marriage, 1560-1707'. (Edinburgh M.Phil 1978).
- Houston, R.A. 'Aspects of Society in Scotland and North East England c.1550-c.1750: Social Structure, Literacy and Geographical Mobility'. (Cambridge PhD 1981).